



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

May 13, 2016

MR. JOHN GREENWALD JR.
[REDACTED]
[REDACTED]

FOIPA Request No.: 1349529-000
Subject: SUMMERSBY, KAY

Dear Mr. Greenwald:

Records responsive to your request were previously processed under the provisions of the Freedom of Information Act. Enclosed is one CD containing 108 pages of previously processed documents and a copy of the Explanation of Exemptions. This release is being provided to you at no charge.

Additional records potentially responsive to your subject may exist. Please submit a new FOIA request if you would like the FBI to conduct a search of the indices to our Central Records System.

Submit requests by mail or fax to – Work Process Unit, 170 Marcel Drive, Winchester, VA 22602, fax number (540) 868-4997.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over a horizontal line.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1349529-0

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 13 1947

TELETYPE

Handwritten:
WASH 2/14/47 2:40 PM
FAD 477224

WASH 9 FROM SAN FRAN 2-13-47 6-40 PM

DIRECTOR URGENT

MARION BRYANT, CGR., BURGLARY, ATTEMPTED RAPE. SUBJECT IN CUSTODY
SHERIFF'S OFFICE SAN RAFAEL, CALIFORNIA ON SEVERAL CHARGES OF
RAPE. ONE ATTEMPT COMMITTED BY SUBJECT ON WAC CAPTAIN AT HAMILTON
FIELD, CALIFORNIA, TWELFTH INSTANT. SUBJECT A NEGRO BORN

[Redacted]

DISCHARGED FROM ARMY JANUARY THIRTEEN, LAST. SUTEL

EXPEDITE CRIMINAL RECORD FOR SUBJECT WHO HELD

[Redacted]

SE 6

RECORDED

70-12778-1
F B I

FEB 17 1947

KIMBALL

United Agent

Handwritten signatures and initials:
[Illegible signatures]

b7C

CC-168

14 February 1947

**SAC
SAN FRANCISCO**

RECORDED 70-12778-1

0

SEVEN SEVEN SEVEN NINE TWO NINE. ONLY PRIOR CRIMINAL RECORD IDENT. DIV.

FILES SEPTEMBER FIFTEENTH FORTYFIVE, SHERIFF BATCH ROUGE LOUISIANA, CARRYING
CONCEALED WEAPON, PENNING. CONFIRMING.

HOOVER

TELETYPE - URGENT

WFB: EFD

K.C.
3-3

b7C

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245

240.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 14 1947

11/8/31

Mr.	E. A. Tamm
Mr.	Clegg
Mr.	Glover
Mr.	Ladd
Mr.	Nichols
Mr.	Rosen
Mr.	Tamm
Mr.	Tracy
Mr.	Harbo
Mr.	Belmont
Mr.	Quinn
Mr.	Nease
Mr.	Harris
Mr.	Glavin
Mr.	Laughlin
Mr.	Mohr
Mr.	Tele. Rm.
Miss Gandy	

FEB 13 1947
TELETYPE
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 13 1947

TELETYPE

WASH 11 FROM SAN FRAN.

2-13-47

6-50 PM

DIRECTOR

URGENT

MARION BRYANT, CGR, BURGLARY, ATTEMPTED RAPE. REMYTEL TODAY. FOR
ADDITIONAL INFO OF BUREAU IT HAS BEEN DETERMINED THAT VICTIM
ATTACKED BY SUBJECT IN WAC BARRACKS, HAMILTON FIELD, CALIF.
IS CAPT. KAY SUMMERSBY, FORMER AIDE TO GENERAL EISENHOWER WHO
IS A REDXX RECENT TRANSFEREE TO THAT FIELD. IDENTITY OF CAPT.
SUMMERSBY AS VICTIM HAS NOT AS YET BEEN DIVULGED PUBLICLY BY
HAMILTON FIELD AUTHORITYXX AUTHORITIES. THIS INFO BEING FURNISHED
IN ANTICIPATION OF POSSIBLE PRESS INQUIRY SHOULD
VICTIM'S TRUE IDENTITY BE DISCLOSED. USA, SAN FRANCISCO,
HAS AUTHORITYXX AUTHORIZED FILING OF COMPLAINT AGAINST SUBJECT
CHARGING ATTEMPTED RAPE ON GOVERNMENT RESERVATION.

KIMBALL

60 MAR 1 1947

RECORDED
10-12772-
FEB 15 1947

70-12778-3

Returned

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI
FROM : SAC, San Francisco
SUBJECT: MARION BRYANT
CRIME ON GOVERNMENT RESERVATION
BURGLARY (WITH INTENT TO COMMIT RAPE)

DATE: April 19, 1947

ATTENTION: IDENTIFICATION DIVISION

G. I. R. AND

There are enclosed herewith the fingerprints of the above-named subject who has FBI No. 4777929 as well as some latent fingerprints. It is requested that these latent fingerprints be examined to determine whether or not they can be identified as being the fingerprints of the subject.

For your information, this subject is presently in the custody of the San Rafael Sheriff's Office on a charge of rape at Marin City, California. This same subject in a signed statement to agents of this office admitted breaking into the WAC Officers' Quarters at Hamilton Field, California on February 11 and 12, 1947 with intent to commit rape. Investigation was conducted by the military authorities at Hamilton Field prior to notifying this office and they secured the enclosed latent fingerprints from glass in a window which subject had broken in order to gain entrance into the building. This glass is not available for examination.

DEFERRED RECORDING

Information has recently been received that the District Attorney of Marin County is considering dismissing his case against the subject because of insufficient evidence. A complaint has been filed before the U. S. Commissioner at San Francisco charging the subject with Crime on Government Reservation, Burglary (With Intent to Commit Rape) and the subject is going to be prosecuted under this charge after the local authorities have determined what action they are going to take.

It is requested that the results of this examination be forwarded as quickly as possible to this office and the fingerprint card that is enclosed herewith be returned as it is the property of the San Rafael Sheriff's Office.

JCH:mah

70-843

Encls. (REGISTERED)

RECORDED

72-12778
F. B. I.
31 APR 22 1947

31 MAY 1 1947

AIR MAIL

SAC, San Francisco

April 22, 1947

Director, FBI

MARION BRYANT
CHIEF OF GOVERNMENT RESERVATION
BURGLARY (WITH INTENT TO COMMIT RAPE)

Reurlet April 19, 1947, submitting two lifts of latent impressions
for examination and the fingerprints of Marion Bryant, suspect, your file #70-543.

"One fragmentary latent fingermark noted on one lift. Seven points
of similarity noted with the latent and left index finger impression of
Marion Bryant, #70-1777929. Due to the fragmentary nature of the latent print,
no testimony can be offered. The lifts are being returned to you separately.

A transcript of the fingerprint record of Bryant is enclosed herewith,
together with the fingerprints submitted.

JEB:MC
RECEIVED

RECORDED

EX-70

70-12778 3

- Mr. Tolson
- Mr. E. A. Tamm
- Mr. Clegg
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Mr. Carson
- Mr. Egan
- Mr. Gurnea
- Mr. Harbo
- Mr. Hendon
- Mr. Pennington
- Mr. Quinn Tamm
- Mr. Nease
- Miss Gandy

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

APR 22 1947

Mr. Boyle

SAC, San Francisco

April 30, 1947

Director, FBI

HARION BREANT
CRIME ON GOVERNMENT RESERVATION
(Burglary, Attempted Rape)

It is requested that a report be submitted in this matter in the near future.

70-12773

FILE IN: 830

RECORDED

70-12778-4

EX-10

Handwritten initials and signatures

COMMUNICATIONS SECTION	
MAILED 6	
APR 30 1947 P.M.	
FEDERAL BUREAU OF INVESTIGATION	
U. S. DEPARTMENT OF JUSTICE	

- Mr. Tolson
- Mr. E. A. Tamm
- Mr. Clegg
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Mr. Carson
- Mr. Egan
- Mr. Gurnea
- Mr. Harbo
- Mr. Hendon
- Mr. Pennington
- Mr. Quinn
- Mr. Nease
- Miss Gandy

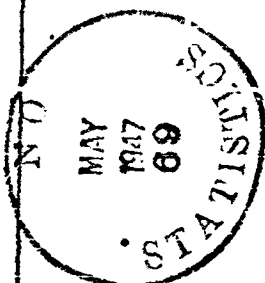
FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT

SAN FRANCISCO

FILE NO. 70-845

REPORT MADE AT SAN FRANCISCO	DATE WHEN MADE 5/2/47	PERIOD FOR WHICH MADE 2/15, 20, 25; 3/13, 28; 4/15, 16, 19, 30/47	REPORT MADE BY JAMES C. NEEL <i>afh</i>
TITLE MARION BRYANT			CHARACTER OF CASE CRIME ON GOVERNMENT RESERVATION - burglary (With Intent to Commit Rape); Assault (With Intent to Commit Rape)
<p>SYNOPSIS OF FACTS:</p> <p>Subject entered WAC officers' quarters being Building T-575; Hamilton Field, Calif., a Government reservation, at night time on 2/11/47 with intent to commit rape. He was frightened out of this building by 1st Lt. GLADYS E. McMANIMIE, who can identify him. Subject re-entered this same building later that night or shortly after midnight with intent to commit rape, and assaulted Capt. KATHLEEN H. SUMMERSBY by choking her, with intent to commit rape. Subject was frightened away after severely choking Capt. SUMMERSBY. In a signed statement, subject admitted all of the above. Physical evidence at scene conforms to description given by subject in his statement of how he gained admittance to the building. Latent PF obtained and forwarded to Identification Division. Authorized complaint filed before USC, San Francisco, 3/13/47, charging subject with burglary with intent to commit rape on 2/11/47 in violation Title 18, Section 468, USC, and California Penal Code Section 459. Bail set at \$10,000. Subject arrested by San Rafael CO 2/12/47 and subsequently charged with one count of rape, one count of attempted rape, two counts of burglary, the above activity having taken place in Marin City, Calif. Subject released to USM, San Francisco, by local authorities on 4/23/47. Local complaint still pending. Arraignment of subject before USC, San Francisco, postponed to 4/29/47.</p>			
- P -			
APPROVED AND FORWARDED: <i>[Signature]</i>		DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT		<p style="font-size: 1.5em;">70-12778</p> <p style="font-size: 1.5em;">34 MAY 10 1947</p>	
COPY IN FILE ② Bureau 1 USA, San Francisco 2 San Francisco			



U. MAY 19 1947

REFERENCE: Tel-typos to Bureau dated February 13, 1947.
Letter to the Bureau dated April 19, 1947.

DETAILS: This investigation is predicated upon information received by this office from the Provost Marshal's Office, Hamilton Field, California, on February 13, 1947, to the effect that the subject attempted to rape a WAC captain at Hamilton Field, California, on February 12, 1947. Investigation was conducted by the Army authorities into this matter because they believed that the subject of the case was probably a soldier stationed at Hamilton Field.

Sergeant WILLIAM E. SCHAEFFER, Criminal Investigator, Provost Marshal's Office, went to the WAC officers' quarters designated as Building T-575 at Hamilton Field, California, at approximately 4:00 a.m. on February 12, 1947. Sergeant SCHAEFFER conducted an investigation at the scene inasmuch as the subject had broken a window in entering the building. Sergeant SCHAEFFER examined the broken pieces of glass and located two latent fingerprints which he lifted and identified. These latent prints have been forwarded to the Bureau for examination by the Identification Division to determine whether or not it is possible to identify them with the fingerprints of the subject, MARION BRYANT. Sergeant SCHAEFFER ascertained that First Lieutenant GLADYS E. McMANIS had taken some laundry to the laundry room in this building at approximately 8:00 p.m. and on entering there and turning on the light she observed a Negro man standing behind the door. This Negro mumbled something about his wife and ran from the building. Subsequent to this, the subject made an entry that same evening by breaking the window mentioned above as well as removing the screen from the window. Sergeant SCHAEFFER advised that the head maid of the WAC officers' quarters was subsequently interviewed and she subsequently was able to identify Mrs. MARION BRYANT as a woman who had worked at the WAC officers' quarters. MARION BRYANT was subsequently picked up by the San Rafael Sheriff's Office on February 12, 1947, and brought to the Sheriff's Office and questioned by them in conjunction with Sergeant SCHAEFFER. The Sheriff's Office had been working on a rape case at Marin City, California, involving the rape of a white woman and the attempted rape of another one. MARION BRYANT subsequently admitted in a signed statement the rape of a woman at Marin City and the attempted rape of another, and he also confessed that he had attacked Captain SUMMERSEY at Hamilton Field, California.

Sergeant SCHAEFFER advised that pictures were taken at the scene at Hamilton Field by [redacted] PFC, Army Serial No. [redacted] who has been discharged from the Army and is at present at Plaquemine, Louisiana. Sergeant SCHAEFFER stated, however, that he was present when these pictures were taken and advised that he can testify as to the location of the screen and chair which are pictured in Photograph No. 1. Picture No. 1 shows a screen with holes out in the screen at the two corners of one end of the screen. Just to the right of the screen is a wooden chair. Picture No. 2 is a

SF #70-845

picture of the window in the day room of Building T-575 showing a broken pane. The screen and chair shown in Picture No. 1 are directly under this window. This is brought out because in the signed statement executed by the subject to the writer he described how he cut the screen, placed it against the building, pulled up a chair under the window, broke the windowpane, and entered the building. Thus the physical evidence ties in with the subject's statement.

The subject was booked at the San Rafael County Jail on February 13, 1947, at 12:12 a.m. as MARION BRYANT, address B7-637, Marin City, charge 261 P.C.

On February 15, 1947, the writer interviewed subject MARION BRYANT for the first time and he executed the following signed statement:

"San Rafael, California
February 15, 1947

"I, MARION BRYANT, make the following signed statement to JAMES C. WHEEL who has identified himself to me as being a Special Agent of the Federal Bureau of Investigation. I make this statement freely and voluntarily and not because of any threats or promises of reward. I have been advised that I don't have to make this statement and I know that it can be used against me in a court of law.

"About 9:00 p.m. February 11, 1947, I was standing outside the Cafeteria at Marin City. About this time a man known to me as PAT WILLIAMS drove up in his car, a brown Chevrolet 1940 or 1941 model. I think it is a sedan. He said he was going to Hamilton Field to see some friends. I told him I would go with him.

"I had been out to Hamilton Field before. My wife used to work as a maid at the quarters of the W.A.C. officers. I had been to this building before with my wife once.

"I decided to go back to Hamilton Field with PAT WILLIAMS. I didn't tell him why but I wanted to go to the W.A.C. officers quarters as I wanted to rape a woman. I didn't have any particular woman in mind. I thought I would have a better chance to rape a woman there as I didn't think there would be any men around. As I said before I didn't tell this to PAT WILLIAMS. PAT WILLIAMS drove the car and he and I were the only ones in his car. PAT WILLIAMS drove the car to the Squadron C Area in Hamilton Field and he talked to some friends of his. I got out of the car and walked around close to the car while PAT WILLIAMS talked to his friends. He talked about 15 minutes and then we left. I told PAT WILLIAMS to take me up on the

SF #70-843

hill. I didn't tell him where I wanted to go. He knew what hill I was talking about and he drove up on the hill, and let me out of the car. This hill and the place I got out of the car is near the quarters of the W.A.C. officers. I told PAT WILLIAMS I would pay him for giving me the ride. He refused to take any money. PAT WILLIAMS told me he was going back to the Squadron C Area. I didn't tell him where I was going or what I was going to do. I didn't make any arrangement with him to get a ride back to Marin City. I just left him. I don't know what time it was. I was wearing a green cap with a bill on it. I got this cap while I was in the army and I don't know the name of it. I was also wearing an olive drab battle jacket and a khaki shirt. There was no insignia on any of the clothes I was wearing. I was wearing black slacks. I call them pegs as the opening at the cuffs of the pants is small. I was wearing tan low shoes. It was raining hard when I got out of the car. I heard a car so I hid next to some building on the hill. I stayed at different places on this hill for about an hour and a half as cars kept coming by. I approached the W.A.C. officers quarters as carefully as I could so I wouldn't be seen. I hid behind trees and bushes on the way. I went down to the side of the W.A.C. officers quarters and waited a while. This side of the building was the side the boiler room was on. I then walked up to the end of the building where the day room is. I went up the steps at that end of the building, on to the porch. There was a light on the porch and I unscrewed the globe so the light went out. The first door was a screen door and it wasn't locked. I opened it and the next door was slightly open. I pushed this door open and went into the day room. I turned the lights out in the day room. I then walked down the hall and turned one light out in the hall. I went down the hall to the other end of the building and looked in the two end rooms. I was looking for a woman to rape. I wasn't looking for something to steal. I didn't see anyone so I went back to the laundry room and entered it. I heard someone coming so I hid behind the door. A woman came in the laundry room and turned the light on. I think she was dressed in a pink housecoat. She said "What are you doing in here? Get out of here!" She was speaking to me. I said "My wife used to work here". I didn't try to rape this woman because she scared me. I ran out of the room and out the building the same way I had come in. I went back up on the same hill I had been on before. I went up to the top of the hill. I stayed up there until the lights all over the base went out. I heard a bugle blow and all the lights went out. It was still raining a little bit. I decided to go back to the W.A.C. officers quarters to get a woman to rape. I looked in the window of the building and saw that the door I had first gone in was locked. I found a chair near the building and put it up against the building under the window of the day room at the back of the building. I then took a small knife I had and cut the two lower corners of the screen that was over the window. I then unlatched the screen and took the screen off and put it on the ground. The window was locked so I took my knife and tried to take the putty off of the window so I could remove the glass. In trying to do this I broke the window and I also broke the blade of my knife. After the glass broke I waited outside a while as I thought

SP #70-843

someone might have heard me. I then reached in and opened the window and crawled in the window into the day room. I wasn't intending to steal anything. The only reason I was going in this building was to find a woman to rape. I unlocked the front door so I could get out of the building if someone saw me. I went down the hall and turned out two lights in the hall. One was by the telephone. I walked down the hall to the other end of the building. I waited around in the hall awhile because I heard some noises. After things were quiet I went to the last room on the right. On my right as I was walking away from the day room. The door to the room was partly open and I stood outside of it for a little while and then I went in. I saw a woman asleep in the bed in the room. I waited in the room for about ten minutes before I did anything. It was my intention to rape this woman. I put both of my hands on this woman's neck, and started to choke her. While choking her I received sexual gratification. This woman kicked the wall when I was choking her. All I did to her was to hold her throat in my hands and choke her. I only had my hands on her throat a very short time. While doing this another woman opened the door to the room. When she saw me she ran to the telephone and I ran out of the building the same way I came in, though I went out the door through the day room and not out the window. I ran up the hill. A short time later I returned to the boiler room in the same building and dried my clothes in there as they were very wet from the rain. I then walked off of the base and took a taxi cab outside of the main gate to San Rafael. I took a bus from San Rafael to Marin City. It was after 12 midnight when I left the base but I don't know what time it was.

"At all times I was in the W.A.C. officers quarters I didn't go up on the second floor, and I was alone the entire time. I had a flashlight with me. When I ran up the hill the second time I threw what was left of my knife away. All that was left was a handle and it was light brown and dark brown mixed. The whole blade had broken off when I tried to get in the window.

"The above statement consisting of six and one half pages was read to me by Special Agent JAMES C. NEEL, F.B.I. and it is true and correct.

/s/ MARION BRYANT

WITNESS:

JAMES C. NEEL, F.B.I.

WILLIS E. BRUNO, Deputy, San Rafael Sheriff's Office"

AT HAMILTON FIELD, CALIFORNIA

The writer interviewed First Lieutenant GLADYS E. McMANIS, She resides in Building T-575 and stated that about 9:00 pm

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EP #70-843

she went into the laundry room in Building T-575, the date being February 11, 1947, and she opened the door to the laundry room and felt something behind the door, but thought it was a full laundry bag. She stepped into the laundry room and turned the light on and looked behind the door and saw the subject, whom she later identified. She asked him what he was doing there and he muttered something about "wife". This, she stated, was the only word that she caught that he spoke. She told him to get out, and he left the building by the door that goes out through the day room. She stated that after this experience and after everyone had come into the building for the night, they went around and checked all the screens, looked all the windows in other than occupied rooms, and looked all the doors. She then went to bed and has no information as to the second entry by the subject.

After the subject was taken into custody by the San Rafael Sheriff's Office, Lieutenant McANIMIE identified him as being identical with the man whom she had seen in the laundry room of Building T-575 on February 11, 1947, at approximately 9:00 p.m., as described above. She stated that when she saw him in the laundry room he was wearing a tight fitting coat or field jacket that looked like Army clothing that was somewhat faded. He also had on pants that looked like blue jeans and was wearing a faded green round fatigue cap of the type that the Army prisoners wear. She stated that he had very narrow hips and his features were more on the Caucasian side, particularly his nose. She stated that upon seeing MARION BRYANT at the San Rafael Sheriff's Office she is sure beyond any question of a doubt that he is the man whom she saw in the laundry room.

The writer interviewed Miss CYNTHIA C. PALMER, Assistant Field Director, Red Cross, at Hamilton Field, California, who also resided at Building T-575 during the pertinent period. She executed the following signed statement concerning this matter:

Hamilton Field, Calif.
April 21, 1947

"I, CYNTHIA C. PALMER, make the following statement to JAMES C. KEEL who has identified himself to me as being a Special Agent of the Federal Bureau of Investigation.

"On February 11, 1947 at about 9:30 PM I returned to my quarters at Hamilton Field, Calif. My quarters are in the W.A.C. officers building there, this being building T-575.

"I went to bed about midnight. Before I went to bed I checked all of the downstairs windows and saw to it that they were all locked. All three doors were locked also. I left some lights on in the day room downstairs as well as the outside light by the day room door. Two lights were left on in the hall downstairs, one by the kitchen and one by the telephone.

SF #70-843

My room is right across the hall from the room of Captain KATHLEEN SUMMERSBY. She went to bed a little before I did, and left her door open. I went to bed about midnight and left my light on and my door open. I heard noises in the hall and so I got up and looked in the hall. I looked at my watch and saw that it was 2:20 a.m. I didn't see anyone. I returned to my room and closed my door but left my light on. About 2:50 a.m. I thought I heard voices and so I got up and stood in the doorway of Captain SUMMERSBY's room. There were no lights on in the hall at this time.

"I looked into Captain SUMMERSBY's room and saw a negro man standing by the head of her bed. His back was towards me. His left hand was raised and I think he was holding some sort of a light as there was a dim glow in that corner of the room. I saw that he had his right hand down. Captain SUMMERSBY was calling CYNTHIA. I said "Oh my God get out" and I immediately started to go to the telephone in the hall. I didn't see his face. As I was going down the hall to the telephone he passed me in the hall going in the same direction as I. He was running and he passed to my left going towards the day room. There were no lights on in the day room or the hall or on the porch outside the day room. After I called the M.P.'s I later looked in the day room and saw that one window had a broken pane and the window was open. I couldn't see where the right hand of the negro man was when he was standing beside Captain SUMMERSBY's bed. At this time she was making noises that sounded like strangling noises and she was also calling my name.

"This negro man was about five feet ten inches in height. He had a powerful build with broad shoulders and narrow hips. He had close cropped black hair and was wearing a light tan close fitting shirt. He had no hat on. He made no sound.

"I have read the above statement consisting of two and a half pages and it is true and correct.

/s/ CYNTHIA C. BALMER

WITNESS:

JAMES C. NEEL, F.B.I.

As is to be noted in this statement, Miss BALMER has no information as to the entry by the subject the first time into Building T-575, as described by First Lieutenant McMAHON. As indicated in her statement, Miss BALMER did not see the face of this Negro man mentioned in her statement, and so she cannot identify him. She stated, however, that she is positive about the fact that he was a Negro man.

SP 70-843

The writer interviewed Captain KATHLEEN H. SUMMERSBY concerning this matter and she executed the following signed statement:

Hamilton Field, Calif.
April 21, 1947

"I, Captain KATHLEEN H. SUMMERSBY, L-1005246, make the following statement to JAMES C. NEEL who has identified himself to me as being a Special Agent of the Federal Bureau of Investigation.

"About 2300, February 11, 1947, I returned to the W.A.C. officers quarters, building 576, Hamilton Field, California. I went to bed in my room in this building about midnight. I was alone in my room.

"Between one and two a.m. in the morning of February 12, 1947 I awoke and felt someone choking me. My room was dark. I felt two hands on my throat. I couldn't see who was choking me. The person choking me was holding my throat very tightly and I was losing conscious very fast. I tried to move but I couldn't. I don't know if the person choking me was on or off of the bed. I pretended that I had lost consciousness and relaxed. The person choking me relaxed their grip. I was then able to scream. I called "CYNTHIA". Shortly thereafter a light went on. After I screamed the hands left my throat and when the light went on I saw a negro standing in the doorway to my room. I can't describe this person any more than this, other than to say it was a negro man. I don't know if he was facing me or whether his back was toward me. During the whole time, no sound was made by the person who had been choking me.

"After seeing this negro man standing in my doorway I more or less "passed out".

"As a result of this choking my tongue was bitten, and bruised, and bothered me for a week. My eyes were bloodshot for three weeks and the right side of my face was bruised. My throat was also bruised for some time. In fact there still is a mark from this on the left side of my neck.

"I have read the above statement consisting of one and a half pages and it is true and correct.

/s/ KATHLEEN H. SUMMERSBY

WITNESS:

JAMES C. NEEL, F.B.I."

AT SAN FRANCISCO, CALIFORNIA

On March 13, 1947, a complaint authorized by Assistant U. S. Attorney DANIEL C. DEASY was filed by the writer before U. S. Commissioner FRANCIS ST. J. FOX charging MARION BRYANT, the subject, with violation of Title 18, Section 488, U. S. Code, and California Penal Code, Section 459. The complaint reads as follows: "that on or about February 11, 1947, at Hamilton Field, land acquired for the United States and under the exclusive jurisdiction of the United States, to wit: a military reservation in the County of Marin and the State of California and Northern District of California, MARION BRYANT did at night time enter a building used for human habitation with intent to commit rape." U. S. Commissioner FOX set the subject's bail at \$10,000.

On April 23, 1947, MARION BRYANT was released to the U. S. Marshal by the Sheriff's Office, San Rafael, California, to be tried by the Federal authorities. The local complaint in Marin County, California, against the subject, according to Undersheriff JOE WILLIAMS, has not been dismissed and will not be dismissed until the outcome of the Federal prosecution has been ascertained. According to Under-sheriff JOE WILLIAMS, the subject's wife attempted to smuggle into the subject and another inmate some hacksaw blades while the subject was a prisoner in the San Rafael County Jail. Another charge based on this attempt was filed against the subject, being conspiracy to escape, which is pending against the subject at San Rafael, California.

The subject appeared before U. S. Commissioner FOX on April 23, 1947, and again on April 25, 1947 for a hearing. At both times the hearings were put over, and the hearing is to be held on April 29, 1947. The subject's bail is still \$10,000, and because he could not make bail he is still in the custody of the U. S. Marshal.

Subject furnished the writer the following background information regarding himself on February 15, 1947:

He stated that his full name is MARION BRYANT; that he was born [redacted] at [redacted]. He stated that he left this town when he was 3 years old and his family moved to Zachary, Louisiana, where he remained until about 1943. Subject stated that when he was about twelve years old he went to work for the Lin Whittley farm at Zachary, Louisiana, where he worked for about two years picking cotton. He stated that he worked on various other farms around Zachary, Louisiana, until December 1943, when he was inducted into the U. S. Army. Subject advised that he attended school in Zachary, Louisiana, until he was 16 years of age, at which time he was in the 8th grade. In December 1943, subject states he was inducted into the U. S. Army at New Orleans, Louisiana, and was subsequently shipped overseas where he served as a Private First Class, having Serial No. 38501560. On January 13, 1947, he states, he received an honorable discharge from the U. S. Army at

b7C

SF #70-843

Camp Stoneman, California. Subject stated that he went overseas in August 1945 to France and remained there approximately eleven months. He stated that after his return from overseas he was in the hospital at Camp Polk, Louisiana, for approximately two months in the "Psycho Ward". The subject could offer no further explanation of this. Subject stated that he had been arrested on only one occasion in his life, that being in 1945 at Zion City, Louisiana, for possessing a concealed weapon. He stated that he was still in the Army at that time and though they put him in jail at Baton Rouge, Louisiana, he remained there for seven days and the Army effected his release. Subject stated that he had never actually been employed at Hamilton Field although he had worked there as a janitor by taking the place of a friend of his who was regularly employed there and whose name is RICHARD WASHINGTON. Subject advised that his other occupation was that of singer. He stated that he had never worked at it but that he had done some singing while he was in the Army. Subject advised that he is married to EUTH JANE WHITE and stated that they were married on January 15, 1946, at Camp Polk, Louisiana. He advised that they have no children, and stated that he has not worked since he was discharged from the Army other than to work on and off at Hamilton Field for his friend. The subject's relatives will be set out below under his description at the close of the details of this report. Subject's identification record was received from the Bureau under FBI No. 4777929, and reads as follows:

SOS, War Dept. - MARION BRYANT, #11-SOS; laborer 6/25/42.

WAR DEPT., Wash., D.C. - MARION BRYANT, #38501560; inducted 12/3/43.

SO, Baton Rouge, La.; MARION BRYANT, #22590; 9/15/45, CCH.

Sergeant WILLIAM SCHAEFFER, mentioned above, advised the writer that the subject has never been employed at Hamilton Field, California, by the Army, and he also stated that the subject never served in the Army at Hamilton Field.

From information contained in the San Francisco files it has been definitely ascertained that Hamilton Field is a Government reservation and that jurisdiction has been accepted by the Secretary of War over this area.

The pictures mentioned in this report as Photographs Nos. 1 and 2 have been made a part of the San Francisco file in this case.

Following is a description of subject as obtained from observation and interview:

ST 70-843

Name MARION BRYANT
Age 21 (born [redacted] [redacted] b6
Height 5' 11"
Weight 175
Race Negro
Complexion Dark
Scars & marks Pit scar left eyebrow, outer; numerous scars on shin left leg and right leg of various sizes.
Ears Small
Teeth Right upper front tooth framed in gold; left upper front tooth false; tooth next to left upper front tooth gold
Relatives Father EMMETT BRYANT; Mother VANICE BRYANT; parents reside Route 1, Box 135, Zachary, La.; Brothers, WILLIAM LORRAINE BRYANT, age 17; J. C. BRYANT, aged 3 years; EMMETT BRYANT, JR. age 2 years; all of the above reside with parents; subject stated he has another brother, name unknown; Sisters, MILDRED BRYANT, age 18, with parents; Wife, RUTH JANE WHITE BRYANT, resides with subject at B7-637, Marin City, California.

-- P E N D I N G --

SF 470-543

UNDEVELOPED LEAD

THE SAN FRANCISCO FIELD DIVISION

AT SAN FRANCISCO, CALIFORNIA

Will report the results of the examination by the Identification Division of the latent fingerprints found on the window of Building T-575 at Hamilton Field, California.

Will follow and report prosecutive action in this case.

AIR MAIL - SPECIAL DELIVERY

JUNE 3, 1947

SAC, San Francisco

Director, FBI

**MARION BRYANT
CRIME ON GOVERNMENT RESERVATION
HOMICIDE (WITH INTENT TO COMMIT RAPE)**

Reurtel June 2, 1947.

**Photographic copy of fingerprints Marion Bryant taken
by U. S. Marshal, San Francisco, California enclosed.**

Enclosure

ESD:GJO

G. I. R. 5

RECORDED 170-12778

56 JUN 6 1947

EX-27

COMMUNICATIONS SECTION

MAILED 10

★ JUN 3 - 1947 P.M.

**FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE**

- ☐ Mr. Tolson
- ☐ Mr. E. A. Tamm
- ☐ Mr. Clegg
- ☐ Mr. Glavin
- ☐ Mr. Ladd
- ☐ Mr. Nichols
- ☐ Mr. Rosen
- ☐ Mr. Tracy
- ☐ Mr. Carson
- ☐ Mr. Egan
- ☐ Mr. Gurnea
- ☐ Mr. Hendon
- ☐ Mr. Pennington
- ☐ Mr. Quinn
- ☐ Mr. Nease
- ☐ Miss Gandy

Handwritten initials and marks:
VW
16
[scribbles]

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
Mr. Schmitt

To: COMMUNICATIONS SECTION.

JUNE 3, 1947

URGENT

Transmit the following message to:

SAC, SAN FRANCISCO

RECORDED 70-12778-7
EX-40

RE: BRYANT, COE DASH BURGLARY-DASH WITH INTENT TO RAPE. REURTEL JUNE SECOND

ADVISE: FOR RECORDS DIV., D. F., BUREAU TRANSMISSIONS UNIT FOR AN ANSWER TO TELETYPE

AS TO CONTENTS OF BULLET APRIL TWENTY SECOND LAST AND TO PRESENT LETTER IN COURT AT
REQUEST OF JUDGE. REQUESTED PHOTOSTATIC COPY FINGERPRINTS OF BRYANT FOLLOW AISO.

HOOVER

PHS:MI

C.H.
8-3

E.S. DEISS

This teletype cleared through Mr. Q. Tamm of Identification Division and was handled by Division Six inasmuch as incoming teletype from San Francisco of June 2, marked attention Identification Division, routed to Division Six rather than Identification Division.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Jones
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 3 1947

TELETYPE

JUN 14 1947

[Handwritten signature]

15 AM '47

[Handwritten mark]

Rec 12:15 am
N.A.
**FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION**

JUN 3 1947

TELETYPE

OUT
Single Fingerprint

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn Tamm	
Mr. Nease	
Miss Gandy	

Handwritten initials and marks in the routing slip.

WASH 1 FROM SFRAN 6-2-47 6-12 PM FRM

DIRECTOR URGENT

**MARION BRYANT, CGR. BURGLARY - WITH INTENT TO COMMIT RAPE. AT
IDENT DIV. THIS IS URGENT. REURLET APRIL TWENTY SECOND LAST,**

CONCERNING COMPARISON OF LATENT FINGERPRINTS WITH THOSE OF SUBJECT,
WHICH STATED QUOTE ONE FRAGMENTARY LATENT FINGERPRINT NOTED ON
ONE LEFT. SEVEN POINTS OF SIMILARITY NOTED WITH LATENT AND LEFT
INDEX FINGER IMPRESSION OF MARION BRYANT, FBI FOUR SEVEN SEVEN
SEVEN NINE TWO NINE. DUE TO FRAGMENTARY NATURE OF LATENT PRINT,
NO TESTIMONY CAN BE OFFERED. UNQUOTE. THIS CASE IS NOW AT TRIAL AND
THE DEFENSE HAS INTIMATED THAT THE LATENT FINGERPRINTS RECOVERED
AT THE SCENE ARE THOSE OF AN INDIVIDUAL OTHER THAN SUBJECT. THE
USA, SF, CONSIDERS IT TO BE OF UTMOST IMPORTANCE TO SHOW THAT THE
LATENT FINGERPRINT IS NOT DEFINITELY IDENTIFIABLE. HE REALIZES
THIS EVIDENCE IS ADMISSIBLE SUBJECT TO OBJECTION AS TO HEARSAY
IF TESTIFIED TO BY AN AGENT OF THIS OFFICE, BUT DESIRES TO BRING
OUT RESULTS OF EXAMINATION BY TESTIMONY OF AN AGENT OF THIS OFFICE
TO SHOW THAT NOTHING IS BEING ~~HIDDEN~~ HIDDEN BY THE PROSECUTION.

IT IS REQUESTED THAT PERMISSION BE GRANTED FOR AN AGENT OF THIS
OFFICE TO TESTIFY AS TO THE CONTENTS OF YOUR LETTER AND ALSO
THAT PERMISSION BE GIVEN TO PRESENT THE LETTER ITSELF IN COURT
IF THE JUDGE REQUESTS IT. IT IS ALSO REQUESTED THAT PHOTOSTATIC
COPY OF THE FINGERPRINTS OF SUBJECT TAKEN BY US. M. SAN FRANCISCO,

tele to SF
6-3-47
ans

RECORDED 170-5372
EX-10 15 JUN 7 1947

PAGE TWO

IN MARCH, FORTY SEVEN, SHOWING SIGNATURE OF SUBJECT, BE FORWARDED
AMSD IMMEDIATELY AS IT IS IMPORTANT TO SHOW THE CONDITION OF THE
SUBJECT-S HANDWRITING AT THIS TIME AS HE CLAIMS THAT AT THE TIME
HE WAS IN THE CUSTODY OF THE MARIN COUNTY, CALIFORNIA SO, WHEN HE
EXECUTED A SIGNED STATEMENT, HE WAS AFRAID AND HIS SIGNATURE WAS..
SHAKY. IT IS ABSOLUTELY ~~ESSENTIAL~~ ESSENTIAL THAT A REPLY CONCERNING
TESTIMONY AS TO CONTENTS OF LETTER AND PRESENTMENT OF LETTER IN
COURT BE MADE NOT LATER THAN NINE AM, PACIFIC COAST TIME, TOMORROW,
JUNE THIRD.

KIMBALL

cc: Mr. *Glen*

AIR MAIL

June 23, 1947

SAC, San Francisco

RECORDED
7-12778-8

Director, FBI

MARION BRYANT

CRIME ON GOVERNMENT RESERVATION
BURGLARY (WITH INTENT TO COMMIT RAPE);
ASSAULT (WITH INTENT TO COMMIT RAPE)

Reurlet June 14, 1947, desiring fingerprint testimony in connection with the above-entitled case, your file #70-843.

You are advised that Mr. S. F. Latona, Single Fingerprint Expert, will be available to testify in the instant case, that is, that seven points of similarity were noted without any points of dissimilarity.

Specimens submitted being retained until information is received as to whether this case will be retried. Advise immediately date of trial when set.

SYLA:EC
70-12778

- Tolson
- E. A. Tamm
- Clegg
- Glavin
- Ladd
- Nichols
- Tracy
- Harbo
- Belmont
- Mohr
- Winterrowd
- Tele. Room
- Mr. Holloman
- Miss Gandy

COMMUNICATIONS SECTION
MAILED 10 2 50 PM
JUN 23 1947 PM
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

RECEIVED
JUN 23 1947
FBI
JUN 23 1947
JUN 23 1947

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: June 14, 1947

FROM : SAC, San Francisco

REGISTERED AIR MAIL

SUBJECT: MARION BRYANT

Crime on Government Reservation -
Burglary (With Intent to Commit Rape);
Assault (With Intent to Commit Rape)
(Bureau File 70-12778).

Reference is made to Bureau letter dated April 23, 1947, in the above entitled matter which concerns the results of an examination by the Identification Division of latent fingerprints which were recovered at the scene in instant case as compared with the fingerprints of the subject. This letter reads, in part, as follows:

"One fragmentary latent fingerprint noted on one lift. Seven points of similarity noted with the latent and left index finger impression of MARION BRYANT, FBI #4777329. Due to the fragmentary nature of the latent print, no testimony can be offered."

Reference is also made to my teletype dated June 2, 1947 in the above entitled matter requesting permission of the Bureau for an Agent of this office to present the above quoted letter in court at the trial of this case. The Bureau granted this permission and an attempt was made by the United States Attorney to get this letter into evidence. The defendant's attorney requested permission to examine the letter and it was shown to him. He thereafter objected that the contents of the letter were hearsay and the contents of the letter were not allowed in evidence.

The defendant's attorney thereafter argued that the Government was suppressing evidence regarding this fingerprint and intimated to the jury that it was probably the fingerprint of an individual other than the subject.

The trial resulted in a hung jury and one of the jurors advised the United States Attorney that some of the jury had felt that the Government was suppressing evidence regarding a latent fingerprint.

The defendant's attorney has made motion for acquittal and the judge will not rule on this motion until June 23, 1947. The United States Attorney intends to retry the defendant and feels that the judge will not acquit him. The United States attorney has discussed this part of the case with this office and has written a letter to this office requesting that a fingerprint expert be available for the next trial to testify, stating that he considers the presence of the expert to be of the greatest importance in the government's handling of this case.

70-12778-8
FBI
26 JUN 28 1947

Director, FBI

June 14, 1947

With regard to this testimony, the United States Attorney stated that even though the expert could not testify conclusively that the latent print was that of MARION BRYANT, it will make it clear in the minds of the jurors that the Government is not withholding evidence.

The United States Attorney also stated that the expert should be prepared to testify as to how many points of similarity are needed to make positive identification and it is felt that the expert should bring with him enlarged charts or photographs of the fingerprints in question so that the relationship of the points of similarity can be shown to the jury.

ms
gg
The United States Attorney also requested that an attempt be made by the expert to be in a position to advance some opinion as to the probability that the latent fingerprints are identical with the fingerprints of the defendant.

The expert should also be prepared to testify if there are any points of dissimilarity between the latent fingerprints and the fingerprints of the defendant that might indicate that the latent fingerprint is not that of the defendant. The United States Attorney has also stated that it will be necessary for the expert to bring with him the fingerprint card containing the fingerprints of MARION BRYANT which card was used in this examination.

In order to simplify this matter, there is enclosed herewith the fingerprint card containing the fingerprints of the subject taken by the Marin County Sheriff's Office, as well as the latent fingerprints which have heretofore been examined by the Identification Division. It is suggested that the expert bring this fingerprint card, as well as the latent fingerprints with him instead of sending them back to this office.

For your information, GEORGE ANDERSEN is a member of the firm of GLADSTEIN, ANDERSEN, RUSHER, SAWYER and EDISES.

During the trial ANDERSEN brought up the racial question and the South Carolina lynchings and even commented on the southern aspect of the prosecuting Assistant United States Attorney, JOSEPH KARESH. During the course of the trial the People's World, Communist Newspaper published the enclosed clippings.

To clarify this situation, the following information is submitted:

Director, FBI

June 14, 1947

The subject was picked up by the Marin County Sheriff's Office on February 12, 1947, and was questioned by them as well as Hamilton Field authorities for about six hours until midnight of the 12th regarding instant case as well as some rape cases that had taken place in Marin City, California, this place being under the jurisdiction of the Marin County Sheriff's Office. As a result of this questioning, the subject gave the Marin County Sheriff's Office a signed statement admitting the assault at Hamilton Field and the rape and attempted rape charges at Marin City.

On February 13, 1947, this case first came to the attention of this office when the Army authorities at Hamilton Field notified this office of the facts. At that time the Army was desirous of keeping the case confidential as Captain KATHLEEN SUBTERSEY, a WAC officer, was the victim of this assault. This individual was formerly the driver for General EISENHOWER over seas. The Army authorities at Hamilton Field had conducted an investigation in this matter but had failed to preserve a great deal of the evidence.

No agent of this office was present during the interview with the subject on February 12th and it was not until February 15th that an agent of this office, being Special Agent JAMES C. NEEL, interviewed subject at the Marin County Jail at San Rafael, California. At this time Agent NEEL secured a signed statement of six and one half pages from the subject concerning his assault upon Captain SUBTERSEY at Hamilton Field. The subject readily admitted his guilt.

At the trial the subject claimed that he had been beaten by the deputies of the Marin County Sheriff's Office and forced by them to sign a statement. He claimed that he did not know what was in this statement and that the only reason he signed it was because he was frightened. The subject also stated on the witness stand that Agent NEEL had interviewed him on February 15th and had forced him to sign a statement, the contents of which he did not understand by threatening to harm him if he did not sign it. Subject repudiated his signed statement, given to Agent NEEL, on the witness stand and claimed that it was all untrue.

The under-Sheriff, Marin County Sheriff's Office, admitted on the witness stand that while questioning the subject on February 12th, he had told the subject that if he were down south he would be hanged. He also admitted telling the subject that if he would confess and tell the truth, he would recommend to the District Attorney that the subject was willing and cooperative. Agent NEEL, who interviewed subject on February 15th, did not know that the Marin County Sheriff's Office had made these remarks to the subject and Agent NEEL secured his signed statement from the subject without making any threats to the subject whatsoever nor were any inducements of any kind offered to the subject by Agent NEEL.

Director, FBI

June 14, 1947

The Marin County Sheriff's Office deputies have denied that they struck the defendant at any time during the questioning and there is no reason to believe that they did. In connection with this, Assistant United States Attorney KARESH and Agent KEEL interviewed two convicts who are presently in San Quentin and who were in the Marin County Jail at the time of the subject's incarceration. They both stated that they had never seen the subject beaten nor had they any reason to believe that he had been beaten and they further advised that they had never seen anyone beaten or mistreated in the Marin County Jail.

The United States Attorney has advised that he believes that a new trial will be granted by the Judge and as soon as the trial date is available, you will be advised of the date that the fingerprint expert will be needed. As indicated above in this letter, the United States Attorney feels that enlarged charts of the fingerprints in question would be of great aid in explaining this matter to the jury.

JCH:mr
70-343

Enclosure:

To the Bureau

Latent Fingerprint;
Fingerprint Card - ARION TRYANT
Newspaper clippings from the People's World newspaper

REGISTERED
AIR MAIL -

Plant up hinted in rape case

By C. A. LAPIN
Daily Pacific World Staff Writer

SAN FRANCISCO, June 1.—"We're not down in Carolina where they find Negroes who identify 'nigger' people. This is San Francisco where we have Negroes and Chinese on the jury. The people must look at this evidence fairly and you must acquit him."

That was part of Defense Attorney Dwight Anderson's final plea to the jury today in the trial of Marion Bryant, 21-year-old Negro, charged with attempted rape of WAC Captain Katherine Sumnerby. The trial is being held in the court of Federal Judge Michael J. Roche.

A tall, handsome youth who spent three years in the army and was just released this January, Bryant has remained calm throughout the trial. He has sent frequent smiles toward his small, frail wife, who is expecting a baby soon, and his young friends who have been sitting patiently in the courtroom.

FORCED CONFESSION

Main basis for the government's case is a confession coerced from Bryant by FBI Agent James Neal to the effect that he was at Hamilton Field on the night of the attempted rape, February 11.

Bryant repudiated the confession and claims he was stripped to the waist, beaten, and threatened with "if you don't talk, we'll take you to the next room and hang you the way they do down South," by Marin county deputy sheriff.

On May 19, when the case first began before Federal Judge Roche, the young Negro told how he was questioned from 2 p. m. until past midnight on February 12. He showed a bloody handkerchief to the jury as proof of his beating.

U. S. Attorney Dan Deery, winding up the government's case today, presented this picture:

On the evening of February 11, "a dark, miserable night," Bryant drove out to Hamilton Field with a man known as Fats Williams. He hid in the laundry room of the WAC's barracks, which he knew because his wife had previously worked there, and was discovered by Lieutenant McGowan about 9:30 p. m.

He let them in, and returned sometime past midnight.

At that time he allegedly attempted to attack Captain Sumnerby. He was interrupted by Miss Cynthia Palmer, Fed Cross worker, and fled. He took a taxi to San Rafael from Hamilton Field.

(Continued on Page 1)

More about the Bryant rape trial

(Continued from page 1)

Field and then took a bus home. Deery admitted "it's perfectly true that Captain Sumnerby and Miss Palmer didn't see the man's features."

After Deery finished, Anderson began his summation with the remark:

"It is my opinion the only reason Bryant was arrested was because he is a Negro."

Anderson did not deny there had been an attack on Captain Sumnerby on the night of February 11, but he did maintain "my client, Mr. Bryant, had nothing whatever to do with it and he wasn't there."

KEY QUESTIONS

He asked the jury to consider these questions in going over the evidence:

• How did Bryant come to be arrested in the case?

The only basis for Bryant's arrest, Anderson maintained, was when Lieutenant McManis said she heard the man mutter "wife," attention was immediately centered on the husband of an employee at the WAC laundry. Lieutenant McManis then accompanied two sheriffs to the Bryant home. "Bryant was arrested because he was a tall Negro," the attorney charged.

• Why did the government withhold Captain Sumnerby's statement?

Was it because it contained damaging evidence that she had scratched and clawed at the man's face and no scratches were found anywhere on Bryant's body?

• Why wasn't he fingerprinted as evidence?

A "nice, fresh fingerprint" was found on the window of the room Bryant is supposed to have hidden into, but although the defendant was fingerprinted for three years after his arrest, the fingerprints have not been introduced by the government.

• Why wasn't the San Rafael jailhouse doctor who allegedly took him from Hamilton Field produced?

• Why wasn't Fats Williams produced to testify?

NEVER BOYS

Anderson claimed the FBI confession was made because it was "secured by inducement, respect of physical force." He nominally referred to the Marin county deputy sheriffs who denied treating Bryant as "Never Boys" and charged they submitted the young Negro to an "inquisition" to force out a confession.

"Why didn't they let him talk to a lawyer, why didn't they let him see his wife or friends until he had brought him to the psychological point where he would sign anything?" Anderson demanded, as he told the jury it was "their duty to acquit Bryant."

On the d Judge weighs Bryant plea

SAN FRANCISCO, June 1.—Federal Judge Michael Roche took under advisement today a plea from Defense Attorney George Anderson, that the case against Marion Bryant be dismissed.

United States Attorney Joseph Harish insisted that Judge Roche set the date for a new trial of the young Negro, accused by the government of attempting to rape WAC Captain Kay Sumnerby at Hamilton Field on Feb. 11.

A jury which listened to evidence in the case for an entire week disagreed last Thursday and was dismissed by the judge. The jury is said to have voted nine to three for acquittal of Bryant.

Anderson argued today that the "evidence is so insufficient to show that Bryant had anything to do with the attempt" that the case should be dismissed.

Judge Roche said he would have the record written up, study it and hand down his decision June 23.

ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI
FROM : SAC, San Francisco
SUBJECT: MARION BRYANT
CRIME ON GOVERNMENT RESERVATION -
BURGLARY WITH INTENT TO COMMIT RAPE;
ASSAULT WITH INTENT TO COMMIT RAPE
Bureau File 70-12778

Re: June 14.

Yesterday Judge ROGGE denied a motion of Defendant for acquittal and continued this case until June 30, at which time he will set a date for a new trial. You will be immediately advised of this trial date.

The USA desires to be advised as soon as possible of the results of the examination by the Identification Division of the latent fingerprint, and he particularly desires to know exactly what the examiner will be able to testify to. In particular, he wants to know if the examiner can ascertain any opinion as to the probability that the latent fingerprint is that of the subject, and if so, will enlarged charts of the fingerprint be available.

He would also like to know if there are any points of dissimilarity between the latent fingerprint and those of the subject that would indicate that the latent fingerprint is not that of the subject.

~~DEFERRED PROSECUTION~~

The USA has indicated that it will be necessary for the examiner to bring with him the fingerprint card bearing the fingerprints of MARION BRYANT, which card was used in the examination.

RECORDED

70-12778

EX-40

JUN 15 1947

70-12778
JUN 15 1947

RECORDED

JUN 15 1947

6-10-47

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUL 7 1947

TELETYPE

G.L.R. 5

Mr. Tolson	
Mr. E.A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Mohr	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

WASHINGTON FROM SFRAN S4 7-1-47

3-04 PM

FN

DIRECTOR URGENT

MARION BRYANT, CGR. BURGLARY AND ASSAULT WITH INTENTION TO COMMIT RAPE. REURLET JUNE TWENTY SEVEN, TRIAL IS AUGUST ELEVENTH AND USA, SAN FRANCISCO DESIRES SF LATONA, SINGLE FINGERPRINT EXPERT, BE HERE ON THAT DATE, ALTHOUGH EXACT DATE HE WILL TESTIFY UNKNOWN.

KIMBALL

RECORDED

70-12978-1
FBI

15 JUL 8 1947

60 JUL 9- 1947

Mr. Brown

Mr. Tamm

Mr. Glavin

Air Mail

June 27, 1947

SAC, San Francisco

Director, FBI

MARION BRYANT
CRIME ON GOVERNMENT RESERVATION
BURNING WITH INTENT TO COMMIT RAPE
ASSAULT WITH INTENT TO COMMIT RAPE

RECORDED 74-12778-10
EX-40 Reurlet June 24, 1947, concerning fingerprint testimony
in connection with the above-entitled case, your file #70-843.

As you were advised in Bureau letter of June 23, 1947,
Mr. S. F. Latona, Single Fingerprint Expert, will be available to
testify in the instant case that seven points of similarity were
noted without any points of dissimilarity.

Charted enlargements illustrating the points of identity
have been prepared and will be available for trial. The fingerprints
of Marion Bryant and the lift of the latent impression submitted
with your letter of June 14, 1947, will be brought to the trial by
Mr. Latona. Advise immediately date of trial when set.

ZSD:GJO

70-12778-

RECEIVED SECTION
MAILED 12
JUN 27 1947 P.M.
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
JUN 28 1947

RECEIVED
JUN 27 1947
JUN 28 1947

AIR MAIL

July 25, 1947

SAC, San Francisco

Director, FBI

RECORDED

MARION BRYANT

CRIME ON GOVERNMENT RESERVATION

(BURGLARY WITH INTENT TO COMMIT RAPE
ASSAULT WITH INTENT TO COMMIT RAPE)

Reurlet July 18, 1947, with respect to your inquiry concerning answer of single fingerprint expert to question as to whether latent print is that of subject which will be asked by the U. S. Attorney.

Fingerprint expert S. F. Latona will reply to the effect that latent fingerprint is identical with inked left index fingerprint appearing on fingerprint card of subject, in substance, that latent fingerprint is that of subject.

Photographs of charted enlargements are being prepared for distribution to jury in compliance with your request.

SFL:GJO

70-12778 -

RECEIVED

B

RECEIVED

COMMUNICATIONS SECTION

MAILED 7

JUL 25 1947 P.M.

RECEIVED

RECEIVED

AUG 15 1947

JUL 25 7 28 PM '47

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 21 1947

TELETYPE

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Egan _____
Mr. Gurnea _____
Mr. Harbo _____
Mr. Mohr _____
Mr. Pennington _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____

WAUH 9 FROM SFRAN

8-4-47

6-50 PM

NCW

DIRECTOR URGENT

MARION BRYANT, GCR. BURGLARY WITH INTENT TO COMMIT RAPE, ASSAULT WITH
INTENT TO RAPE. BY COURT ORDER DATE OF TRIAL HAS BEEN CONTINUED TO
AUGUST TWENTYSIXTH. USA SF, DESIRES THAT FINGERPRINT EXPERT S. F.
LATONA ARRIVE AT SF AUGUST TWENTYFIFTH.

KIMBALL

END AND ACK PLS.

RECEIVED

RECORDED

70-12778-12

Called Ident.

EX-60

M

BY

One

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI
 FROM : SAC, SAN FRANCISCO

DATE: August 15, 1947

SUBJECT: MARION BRYANT
 CRIME ON GOVERNMENT RESERVATION-
 BURGLARY (With Intent to Commit
 Rape); Assault (With Intent to
 Commit Rape)
 Bureau File No. 70-12778

Attn: FBI LABORATORY

70-12778-13

REGISTERED-
 AIR MAIL SPECIAL DELIVERY

Enclosed herewith are photostatic visitors' slips of the Marin County Jail, as well as the fingerprint card of RUTH JANE BRYANT, who is the wife of the subject of this case. The subject has been tried once in Federal Court, which trial resulted in a hung jury; the next trial is to begin August 26, 1947. In the first trial RUTH JANE BRYANT stated that for a considerable period of time she was not allowed by the Marin County Sheriff's Office to visit her husband, who was incarcerated in the Marin County Jail.

~~DETERMINED BY~~

The USA, San Francisco, desires to use the enclosed visitors' slips at the next trial to show that RUTH JANE BRYANT was allowed to visit the subject; however, he feels that she may deny that the signatures on the visitors' slips are hers. For that reason he desires that a handwriting comparison be made between all of her signatures appearing on the visitors' slips and her signature on the fingerprint card, so that it can be definitely established by proof that she actually did sign the visitors' slips. For your information, people visiting the jail sign their names and also write their addresses on the visiting slips, and so the addresses appearing under her name were written by her. The dates and times appearing on the visitors' slips are written in by the Sheriff's deputies, and the other names appearing on the visitors' slips should naturally be disregarded.

In connection with the fingerprint card, the known handwriting of RUTH JANE BRYANT appears on the front of the card where she signed her name. On the back of the fingerprint card is a considerable amount of writing, all of which was written by RUTH JANE BRYANT. It is not known as yet whether or not RUTH JANE BRYANT will deny that the signatures appearing on the visitors' slips are hers, and if she does deny it the exact time that the handwriting expert would have to testify at the trial is not known. The USA does not desire to have the handwriting expert appear at the trial unless his testimony is necessary. For this reason he wants to know how much notice the Bureau will need prior to the time the expert will have to appear. It is requested that this information, as well as the results of the comparison of the handwriting specimens be forwarded to this office AMSD as soon as possible. For your information, fingerprint expert S. P. LATONA is going to testify at this trial.

Encls-photostats of visitors' slips
 photostat of fingerprint card.

INDEXED

70-12778-13

15 AUG 22 1947

JCH:hc

COPIES SPECIALLY RETAINED IN LAB FOR LAB ACTION AND REPORT

53 AUG 28 1947

EX-48

AKS

b6
b7C

Write in own

NAME

RESIDENCE

DATE

EMPLOYER

State

OCCUPATION

DATE OF BIRTH

WEIGHT

HEIGHT

AGE

NAME OF

HAIR

EYES

NEAREST RELATIVE

RELATION

ADDRESS NEAREST RELATIVE

IN CASE OF ILLNESS NOTIFY

ADDRESS

10. EVER ARRESTED BEFORE

WHEN

11. WHAT CHARGE

12. NATIONALITY

WHERE BORN

13. WRITE THE LETTERS OF THE ALPHABET

WRITE THE NUMBERS

14. Write the following

The quick brown fox jumps over the lazy dog

15. FIGURES 1 to 10

WITNESSED BY

DATE

8918 **RECEPTION** 7/11/47
Name Travis Bryant
Time In _____



b7C
b7D

Visitor Travis Bryant
Street No. _____
City _____
Have You Read Visiting Rules? _____

Visitor Travis Bryant
Street No. _____
City _____
Have You Read Visiting Rules? _____
(over)

RECEPTION

Name

Time In

1:45 PM

Out

Visitor

Street No.

City

Have You Read Visiting Rules?

3-4-47

(over)

RECEPTION

Name

3:16 PM

Out

2-13-47

b7C
b7D

K

S

A

F

E

T

Y

▲

F

RECEPTION

Name John
 Year in 1947
 Visitor John
 Street No. 123
 City Los Angeles
 Have You Read Visiting Rules? Yes
 Name John
 Street No. 123
 City Los Angeles
 Have You Read Visiting Rules? Yes
 Name John
 Street No. 123
 City Los Angeles
 Have You Read Visiting Rules? Yes

RECEPTION

Name _____
 Time In _____ Out _____
 Visitor _____
 Street No. _____
 City _____
 Have You Read Visiting Rules? _____
 Visitor _____
 Street No. _____
 City _____
 Have You Read Visiting Rules? _____
 Visitor _____
 Street No. _____
 City _____
 Have You Read Visiting Rules? _____

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 3. **Methodology**
 4. **Results**
 5. **Conclusion**
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11-250-11 2-18-47
 Name *William H. Blum*
 Street No. *11-31 246*
 City *Marina City, Calif.*
 Have You Read Voting Ballot
 Name *Ruth Jane Bryant*
 Street No. *B-7-367*
 City *Marina City, Calif.*
 Have You Read Voting Ballot
 Name *Ruth Jane Bryant*
 Street No. *B-7-637 3-6-47*
 City *Marina City, Calif.*
 Have You Read Voting Ballot *10:05 AM 7*
 Name *Ruth Jane Bryant*
 Street No. *B-7-367 3-6-47*
 City *Marina City, Calif.*
 Have You Read Voting Ballot

RECEPTION
 8-11-47
 Name *Ruth Jane Bryant*
 Street No. *B-7-637*
 City *Marina City, Calif.*
 Have You Read Voting Ballot
 Name *Ruth Jane Bryant*
 Street No. *B-7-637*
 City *Marina City, Calif.*
 Have You Read Voting Ballot
 Name *Ruth Jane Bryant*
 Street No. *B-7-637*
 City *Marina City, Calif.*
 Have You Read Voting Ballot

UNITED STATES DEPARTMENT OF JUSTICE
Laboratory Work Sheet

RECORDED 8-18-47
2:30

Re: MARION BRYANT
CRIME ON GOVERNMENT RESERVATION
DUNELARY (With Intent to Commit Rape)
Assault (With Intent to Commit Rape)

File # 70-12778
Lab. # B-70083 AS

NO LAB FILE OPENED

Examination requested by: San Francisco 70-843

Date of reference communication: 1st. 8-15-47

Date received: 8-18-47

Examination requested: Doc.

Result of Examination:

Examination by: [Signature]

2-1-47
8/27/47
OS.

Specimens submitted for examination

- Qc1 A photostatic copy of a visitors' slip bearing the name "Marion Bryant", visitor "Marion Bryant", dated "3-8-47".
- Qc2 A photostatic copy of a visitors' slip bearing the name [redacted] visitor "Ruth Jane Bryant", dated "2-18-47".
- Qc3 A photostatic copy of a visitors' slip bearing the name "Marion Bryant", visitor [redacted] dated "2-27-47".
- Qc4 A photostatic copy of a visitors' slip bearing the name "Bryant", visitor [redacted] dated "3-13-47".
- Qc5 A photostatic copy of a visitors' slip bearing the name "Marion Bryant", visitor [redacted] dated "2-13-47".
- Qc6 A photostatic copy of a visitors' slip bearing the name "Bryant", visitor [redacted] dated "3-1-47".
- Qc7 A photostatic copy of a visitors' slip bearing the name "Marion Bryant", visitor [redacted] dated "2-18-47".

b6
b7C

ATTACHED

89228

A-152

A photostatic copy of the fingerprint card of LEO RUTH BRYANT bearing

8/10

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 21 1947

TELETYPE

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Mohr
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

WASH 6 FROM SAN FRAN

8-20-47

7-16 PM

DIRECTOR

URGENT

MARION BRYANT, CGR, BURGLARY AND ASSAULT WITH INTENT TO COMMIT
RAPE. BUFILE SEVENTY DASH TWELVE SEVEN SEVEN EIGHT. USA REQUESTS
THAT SF LATONA ALSO BRING WITH HIM ORIGINAL OF FINGERPRINT
CARD OF SUBJECT TAKEN BY USM SAN FRANCISCO APRIL TWENTYTHREE,
FORTYSEVEN.

KIMBALL

EX-40

5 AUG 21 1947

Form No. 1

REPORT MADE AT: **SAN FRANCISCO**

FILE NO: **70-51**

REPORT MADE AT: SAN FRANCISCO	DATE WHEN MADE: 8/21/47	PERIOD FOR WHICH MADE: 5/1, 7, 8, 23, 24, 25-31; 6/2-7, 9-14, 16-19, 21, 23, 25-28; 7/1, 3, 4, 10, 11, 14-18, 24; 8/6-8, 11, 12, 14, 15, 17-19/47	REPORT MADE BY: JAMES C. NEEL
TITLE: MARION BRYANT		NATURE OF CASE: CRIME ON A GOVERNMENT RESERVATION (Burglary with Intent to Commit Rape; Assault with Intent to Commit Rape)	

SUMMARY REPORT

CHRONOLOGY

On February 11, 1947, at approximately 9:00 P.M., subject was found hiding in the laundry room of Building T-575 at Hamilton Field, California, by First Lieutenant GLADYS MC WANDIE, who frightened him out of this building, which is the SAC officers' quarters. She heard the subject say the word "wife". At approximately 2:45 A.M., February 12, 1947, the subject assaulted Captain KATHLEEN H. SUGGERSBY in her room in Building T-575 by shaking her. He had gained entrance to the building by breaking a windowpane in the day room. Subject was frightened out of Captain SUGGERSBY's room and out of the building by Miss CYNTHIA RAYNER.

About 4:00 A.M., February 12, 1947, CID Agent WILLIAM SCHAEFFER arrived at Building T-575 and conducted an investigation. He found a latent fingerprint on the broken windowpane. SCHAEFFER ascertained from Mrs. EVA MARTIN, the housekeeper, that RUTH BRYANT, a negress, had been employed at Hamilton Field and had worked at Building T-575. She was also married and living in Marin City. Through this information, Mrs. BRYANT and, subsequently, MARION BRYANT, the subject, her husband, were located on February 12, 1947.

On February 12, 1947, MARION BRYANT appeared at the Marin City Sub-Station of the San Rafael Sheriff's Office about 1:00 P.M. and spoke to Deputy Sheriff GEORGE LAWSON. At the request of Deputy Sheriff JAMES SAMMONS, who had received a request from CID Agent WILLIAM SCHAEFFER, Deputy Sheriff GEORGE LAWSON brought the subject to the San Rafael Sheriff's Office at San Rafael for questioning. MARION BRYANT subsequently admitted on February 12, 1947, that he effected the two entries of Building T-575 at Hamilton Field and committed the assault on Captain SUGGERSBY.

APPROVED AND FORWARDED:

W. M. [Signature] 70-12778-15

COPIES OF THIS REPORT FURNISHED TO:

- 2 Bureau (70-12778)
- 1 USA, San Francisco
- 3 San Francisco

BUREAU OF INVESTIGATION

AUG 25 1947

UNITED STATES

CHECKED OFF BY:

INDEXED:

San Francisco #70-343

On February 13, 1947, subject was arraigned before Justice of the Peace N. CHARLES BRUSARD at San Rafael, California, on charges involving the rape of the women at Marin City. On February 15, 1947, subject executed a signed statement for Special Agent JAMES C. NEEL, FBI, admitting the two entries of Building T-575 at Hamilton Field with intent to commit rape, as well as the assault on Captain SUMMERSBY with intent to commit rape. Subject also admitted telling Lieutenant MC MARINIE on his first entry of Building T-575 that his wife worked there.

On March 13, 1947, Special Agent JAMES C. NEEL, FBI, filed a complaint before United States Commissioner FRANCIS ST. JAMES FOX at San Francisco, charging the subject with burglary with intent to commit rape. On April 23, 1947, the local authorities at San Rafael, California, turned the subject over to the Federal authorities, and on that date Deputy United States Marshal WARREN KANE arrested the subject at the San Rafael County Jail and brought him before United States Commissioner FOX at San Francisco on the same date. Hearing before United States Commissioner FOX was continued until April 25, 1947, and again until April 29, 1947, it being finally held on May 1, 1947, at which time the defendant was held to answer and bail was set at \$10,000. The subject has failed to post bail and has remained in the custody of the United States Marshal.

On May 7, 1947, subject was indicted by the Federal Grand Jury, San Francisco, California, for two counts of burglary and one count of assault with intent to commit rape. On May 27, 1947, the trial of the subject began before Federal Judge MICHAEL J. ROCHE. His trial was concluded on June 5, 1947, when the jury disagreed on a verdict. The defendant thereafter moved for a dismissal of the proceedings, and Federal Judge ROCHE denied this motion. The case was set for re-trial on August 12, 1947, and was continued to August 26, 1947, on the court's own motion.

PLAINTIFF'S CASE IN CHIEF

The following exhibits are to be introduced without witnesses to show that Hamilton Field is a military reservation and under the jurisdiction of the United States:

Exhibit No. 1 - Exemplified copy of map of Hamilton Field, California.

Exhibit No. 2 - Final Order of Condemnation in the case entitled, "United States vs. JULIUS BODKIN, et al," vesting title and awarding possession to the United States of America.

Exhibit No. 3 - Final Decree in case entitled, "United States vs. JULIUS BODKIN, et al."

San Francisco #70-843

HAROLD LOCKHARD, Chief Engineer
United States Army Engineers
Hamilton Field, California

Exhibit No. 4 - Map of Hamilton Field showing location of Building T-575 with relation to boundaries of Hamilton.

This exhibit is to be identified by Mr. LOCKHARD who will testify that there is a copy of the official map on file in the Engineer's office at Hamilton Field, and he will point out the position of Building T-575 on Hamilton Field.

Mrs. EVA MARTIN

San Rafael, California

She can testify that on February 11, 12, 13, 14, and 15, 1947, she was employed at Hamilton Field, California, her duties being to take care of the officers' quarters, both male and female officers. She has been employed there approximately one year and her duties are cleaning, making beds, and taking care of the quarters in general. Mrs. RUTH BRYANT, the wife of MARION BRYANT, is known to her, as is MARION BRYANT. Mrs. BRYANT was hired by her and her duties were to clean and make the beds in the men and women officers' quarters at Hamilton Field. No other employees worked for her at the time that Mrs. BRYANT did. She does not know the dates that Mrs. BRYANT worked at Hamilton Field but Mrs. BRYANT quit the day before New Year's. (These dates were obtained by Special Agent JAMES C. NEHL and they are from August 22, 1946, to December 31, 1946.) The officers' club pays her salary, as well as Mrs. BRYANT's salary, and Mrs. BRYANT received her check directly from the officers.

b6
b7C

She has seen MARION BRYANT three times. She first met him when Mrs. BRYANT introduced him to her at the Greyhound bus depot at San Rafael, California. At this time Mrs. MARTIN's husband was with her and she was at the Greyhound bus depot in order to pick up Mrs. BRYANT and take her to work at Hamilton Field, which she did every morning. Mrs. MARTIN could not furnish the date of this initial meeting or the dates of the other two meetings. It was some time after Mrs. BRYANT was first employed at Hamilton Field. She usually picked Mrs. BRYANT up at the bus station in San Rafael at 7:30 in the morning to drive her to Hamilton Field. The morning that she met MARION BRYANT he accompanied them to Hamilton Field as he was going to help Mrs. BRYANT wax the floor in the men officers' quarters, Building 201. This building is about one-half a block from the WAC officers' quarters, Building T-575. Mrs. MARTIN did not ask MARION BRYANT to help Mrs. BRYANT wax the floors.

She then drove MARION BRYANT and RUTH BRYANT to Hamilton Field, where MARION BRYANT helped wax the floors by running a polisher. Mrs. MARTIN

San Francisco #70-343

and her husband were both there and they stayed about two hours, and thereafter she drove the BRYANTS back to the bus depot in San Rafael. It was about 12:00 o'clock noon when they left Hamilton Field as they only worked half a day, it being Saturday.

The second time Mrs. MARTIN saw MARION BRYANT was when he came out to Hamilton Field to Building 201 with her sister-in-law, and they stayed a while and then went away. She does not know where they went. The third time MARION BRYANT came to Hamilton Field was when he came with Mrs. RUTH BRYANT to Building 201 when she came for her check. After she got her check she and MARION BRYANT stopped in the street by Building T-575, and Mrs. MARTIN, who was standing at the window on the third floor of Building 201, yelled at MARION BRYANT and his wife not to go into Building T-575. Mrs. BRYANT yelled something back which Mrs. MARTIN didn't understand. Then MARION BRYANT and Mrs. BRYANT started down the street and she does not know whether they entered Building T-575. Nor does she know of any other times that he was near Building T-575.

The next morning when she went to work she heard about the incident of the alleged attack on Captain SUMMERSBY and had a conversation with Sergeant WILLIAM SCHAEFFER about Mrs. BRYANT and MARION BRYANT. Agent SCHAEFFER and another soldier drove her to Marin City and they drove around in Marin City until she happened to see Mrs. BRYANT standing at a bus station waiting for a bus.

First Lieutenant CLADYS E. MC WARDIE, WAC
Hamilton Field, California

Exhibits to be identified by this witness:

Exhibit No. 5 - Picture of east end of Building T-575.

Exhibit No. 6 - Picture of back of Building T-575 and hill behind building.

Exhibit No. 7 - Picture of front of Building T-575.

Exhibit No. 8A- Picture of interior of first floor of Building T-575.

Exhibit No. 8B- Diagram of floor plan of first floor of Building T-575.

Exhibit No. 9 - Picture of outside view of laundry room.

Exhibit No. 10- Picture of inside of laundry room.

Exhibit No. 11A- Picture of Under-Sheriff JOE WILLIAMS' office, San Rafael Sheriff's Office.

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Exhibit 11B - Picture of Interior of San Rafael Sheriff's Office showing visitor's counter and Under-Sheriff JOE WILLIAM's office.

This witness can testify that she was a first lieutenant in the WAC, first entering the United States Army on December 27, 1942. Seven years prior to that time she taught high school. She arrived at Hamilton Field, California, on April 14, 1945, and her present position is assistant commercial transportation officer. On February 11, 1947, at 5:15 P.M., she arrived at the WAC officers' quarters, Hamilton Field, being Building T-575. This building is located on San Pablo Avenue. She can identify Exhibits 5, 6, and 7, and states that the foliage of the bushes around T-575 is the same all year round and looks the same in the exhibits as it did on February 11, 1947.

The furnace room door of this building is kept closed but is not locked. The screen doors which are on all entrances are not kept ajar and have to be pulled open in order to get into the building. There are four doors to the building, the front door, a door at each end of the building, and at the east end of the building there is an additional door on the second floor which leads to a fire escape. All of these doors have a screen door on the outside of them, and with the exception of the front door and the screen doors, all of the doors have latches but they are not always latched. All occupants of the building have keys to the front door and this door has a Yale lock. The end doors of the building are usually unlocked until the last person comes in in the evening.

On February 11, 1947, at 8:00 P.M. she locked the door at the west end of the building and knows that the door at the east end was shut but does not know if it was locked. It was her impression that the front door was closed but she is not sure of this. The occupants of the building on February 11, 1947, as she remembers were Captain SUMMERSBY, Lieutenant JENSEN, Lieutenant LAUGHVILLER, Lieutenant BRIDMETT, Captain REISENMAN, [redacted] GLADYS BALFORN, Lieutenant FAIRFAX, [redacted] Lieutenant BRIGGS, and herself. [redacted] and Captain SUMMERSBY were the only occupants who lived downstairs in the building.

At 8:00 P.M., February 11, 1947, and up to and including the first entry of the subject, the following individuals were in the building as she remembers: Captain REISENMAN, Lieutenant BRIDMETT, Lieutenant FAIRFAX, and herself. The rules of the building are that male guests are allowed in the day room, the kitchen, and in the hallway leading from the street door to the kitchen, and the day room. On February 11, 1947, and prior to that date there was a sign on the wall at the end of the hall as one looks into the front door which read, "No men allowed in this building." The sign had an arrow on it pointing to the door that separated the day room and the kitchen from the living quarters.

Between 9:00 and 9:15 P.M. she went downstairs to the laundry room. None of the other occupants of the building were downstairs at this time. At the time that she had gone upstairs at 8:00 P.M. the lights in the

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front hall were on, as was the light in the hall in the living quarters section. Lights were on in the day room and there was a light on in the kitchen. Then she came down at approximately 9:00 P.M. to enter the laundry she did not notice that any of the lights had been turned out. The door of the laundry room was slightly ajar and the light in the laundry room was not on. She pushed the door of the laundry room open and felt something behind the door but thought it was a full laundry bag. She stepped into the laundry room, and before she turned the light on she turned around so that she was facing the door as she wanted to see what was behind the door. She then turned the light on, the light being above her head and it was not shining in her eyes. She saw the subject in a crouched position behind the door and said, "What are you doing here?" The subject was looking up at her and he had a hat on the back of his head so that she got a clear view of his face and no part of his face was obstructed. The subject's hands were slightly raised but they did not cover his face. She described the subject as being a tall negro with narrow hips, and she noticed that the area around his nose and under his eyes was light. He was wearing a tight-fitting shirt or field jacket that looked like Army clothing that was somewhat faded. He had on blue denim pants and a faded green, round fatigue cap of the type that Army prisoners sometimes wear. Then she asked him what he was doing there, he half got up and muttered something, and she heard only the word "wife".

She said, "Get out and get out fast." The subject then stated walking down the hall towards the day room. She followed about four or five feet behind him, and when she came to the telephone she picked it up, and at that point the subject started to run, and he ran out of the day room door. She noticed at this time that the lights in the day room were out and she could not see the day room door that led outside, but she stated she heard the day room screen door slam. Miss CYNTHIA BALMER was not home at this time. She then telephoned the main gate. While she was still on the telephone the other occupants were coming down the stairs and asking her what was wrong.

Within approximately ten minutes one military policeman came to the front door and asked her to describe the subject. She did so and told him what had happened. He stayed a couple of minutes to get this information and then went out to a jeep that was parked in front of the building and called the main gate on the radio to report the incident. She stated that the porch light at the entrance was out, although they did not check to see if it was unscrewed. The fact that it was out was discovered in her presence by someone else. About 9:30 P.M. they heard a car at the east entrance and went to the day room door and saw that Miss BALMER and two other Red Cross girls were there. Then she and the others went around to make sure that all of the screens on the windows were latched and that the window catches were caught. They locked all three doors downstairs that led to the outside and hooked the two screen doors but did not hook the screen door on the front door as this did not have a latch. She noticed that the window in the day room was not broken and they pulled the blinds down over all the windows. She never saw a guard.

They stayed downstairs and let in the girls as they returned. Everyone came in before she went to bed. It was close to midnight by the time all of the occupants had entered the building, and it was shortly after midnight that she went upstairs. At this time both hall lights were on, as were the lights in the laundry room, kitchen, and the day room. She went to bed and later woke up hearing someone screaming. She called the main gate from upstairs. She then went downstairs and saw Captain SUMMERSEY lying on the floor just to the left of the foot of the stairway, and a couple of girls were wrapping blankets around her. There was blood dripping on the front of her pajamas, and she was having a hard time trying to talk and she kept trying to get up.

It was at least fifteen minutes before anyone came, and the first one to arrive was an MP. She saw that the east and west doors were unlocked, and the screen doors to both of these doors were unlatched. About one-half hour after the first MP arrived, the medical officer of the day arrived and it was raining hard at this time. She could not exactly fix the time of his arrival. Later another MP and two guards arrived and one of the guards remained inside the building. She was present when the porch light outside the east door was discovered unscrewed and it was out. She went in the day room and saw that one of the panes in a window was broken. Some time later CID Agent EDWARDS arrived and had a photographer with him.

Shortly thereafter CID Agent WILLIAM SCHAEFFER arrived and began looking for fingerprints on the broken window and elsewhere. He sprinkled powder on the window, and although she was sitting nearby, his back was toward her and she could not see exactly what part of the window the powder was going on. She saw him step back from the window and he had a piece of scotch tape in his hand and stuck it on a piece of paper he had taken from his pocket. He thereafter wrote on this paper. She did not see what was on this scotch tape or the piece of paper. Other people were interested in the search by SCHAEFFER for fingerprints and were standing around during the time he was working. They were Captain REISENMAN, [redacted] as well as Lieutenant JENSEN. Sometime during this period Colonel DEYO arrived and she told him about what had occurred earlier in the evening in the laundry room.

On February 12, 1947, about 9:00 A.M., Captain KOLBENSCHLAG took her to Squadron TC1, the overseas negro squadron, to look at the negro troops. Shortly after 9:00 A.M. she arrived at Squadron TC1 and sat in a room. Thereafter the negro troops came in one by one and she was in such a position that she had a full view of each one of them and saw them as close as ten feet. They did not wear hats and he had a good opportunity to observe them all. This continued until 1:00 P.M. and during this time she looked at approximately 210 negroes. Captain KOLBENSCHLAG then took her to Squadron C, where she observed 265 negro men and had a good view of all of them as they passed by the Commanding Officer's office one by one, each coming within three feet of her. She finished this

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at approximately 4:00 P.M. and she did not take time out to have any lunch, the period from 9:00 A.M. to 4:00 P.M. being taken up observing negro troops in an attempt to identify the subject. She noticed that one negro in Squadron TCI was of the same general build but his features were not the same. She also noticed two men in Squadron C but decided immediately that they were not identical with the subject.

After 4:00 P.M. she returned to Building T-575 and shortly thereafter Captain KOLBENSCHLAG and Lieutenant SLATER came to T-575 and took her and Miss BALMER to the San Rafael Sheriff's Office to see some colored men. Captain KOLBENSCHLAG did not suggest in any way that any of the suspects was the subject. It was before 5:00 P.M. when they left Hamilton Field to go to the jail.

When they arrived at the San Rafael Sheriff's Office and jail, Captain KOLBENSCHLAG told her to go in the door and speak to the sheriff. They went in and spoke to Deputy Sheriff SALMONS who was leaning against the counter. She can identify Exhibits 11A and 11B, which are pictures of the Sheriff's Office. MARION BRYANT was in JOE WILLIAMS' office talking to SCHAEFFER. He was wearing a large raincoat and a rain hat that came down in front and in back covering the upper part of his face somewhat. He was also chewing gum, and she could only see his profile. She was tired and couldn't identify him then. She went with SALMONS into the room next to JOE WILLIAMS' office and SALMONS showed her pictures of sex criminals, both negro and white men, which she could not identify as being the subject. SALMONS was with her all the time.

She then told SALMONS that she wanted to see BRYANT with no coat and hat and with the gum out of his mouth. She and Miss BALMER remained in the room they were in and SALMONS left. BRYANT in the meantime had been taken into the sheriff's office. BRYANT then came out in his undershirt and he had his back to her. She said, "The back looks like his," meaning the back of the subject, but at this time she could not see his face, so she went out to the counter, and BRYANT then turned toward them and she saw his whole face for the first time and cold chills ran over her. She then said, "I know that is the man." The reason she knew this was the man was because she noticed the upper two-thirds of his face and remembered that the subject had a light area around his nose and eyes, and she also recognized the look in his eyes. At this time she was leaning against the counter, and Miss BALMER was in the photo room where they had been looking at the pictures of sex criminals. She then went into the photo room with Miss BALMER and stayed there. SALMONS, who had been with her when she made the identification, went to speak to someone and told her to wait for a while. In no way did SALMONS suggest to her that BRYANT was the subject.

Then Captain KOLBENSCHLAG came out of the Sheriff's Office and he had to open the sheriff's door as well as JOE WILLIAMS' door as both of them had been closed. Thereafter, Mrs. BRYANT appeared with a negro man and sat on a bench outside JOE WILLIAMS' office. Then Captain KOLBENSCHLAG took her and Miss BALMER home.

San Francisco #70-543

CHARLES CRETGASS
Warrant Officer, United States Army
Squadron D, 401st AAF BU

Can be called as a witness if it can not be established through Lieutenant GLADYS E. MC MANDIE that there was no sentry on guard at Building T-575 after the first entry.

CRETGASS can testify that he was officer of the day and was stationed at the guard house on the night of February 11, 1947. He received a telephone call at approximately 9:25 P.M. on that date, and a woman who said she was squadron commander of the WACS spoke in an excited tone of voice saying that a man was prowling around and trying to get into the barracks. CRETGASS thought that she meant the WAC enlisted quarters and immediately sent two men there and called the Military Police at the main gate. He did not send any men to Building T-575, which is the WAC officers' quarters.

At approximately 2:45 A.M. on February 12, 1947, CRETGASS was still on duty as officer of the day, and a telephone call came in which was answered by the sergeant of the guard, who informed CRETGASS, after speaking to the person on the phone, that the nurses officers' quarters wanted him, CRETGASS, to report there right away. He proceeded to the hospital and could find no trouble there and located two military policemen by the WAC enlisted quarters, and they told him that the trouble was at the WAC officers' quarters. He immediately proceeded there and arrived with the corporal of the guard, being one man. At that time there was a doctor there and a ward nurse. He got the guards and placed them around the building and then left.

Captain KATHLEEN H. SUMMERSBY

Los Angeles, California
c/o Mr. [REDACTED]
telephone Cleveland 7-5956

Exhibits to be identified by this witness:

Exhibit No. 12 - Picture of room of Captain KATHLEEN H. SUMMERSBY in Building T-575.

This witness can testify that on February 11 and 12, 1947, she was a captain in the WAC stationed at Hamilton Field, California, her quarters being at the WAC officers' quarters, Building T-575. About 11:00 P.M. on February 11, 1947, she arrived at Building T-575 from the officers' club at Hamilton Field. She did not know whether she let herself in or whether someone let her in the door when she arrived at the building. The occupants were excited and stated that a negro man had broken into the building earlier. She went to bed in her room in this building about midnight and she was alone in her room.

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Between 1:00 and 2:00 A.M. on February 12, 1947, she awoke and felt someone choking her. Her room was dark and she felt two hands on her throat, although she could not say who was choking her. The person choking her was holding her throat very tightly and she was losing consciousness very fast. She tried to move and couldn't and could not tell whether the person choking her was on or off her bed. She pretended to lose consciousness and relaxed. The person choking her released his grip and she screamed "CYNTHIA." Shortly thereafter a light went on and the hands left her throat and she saw a negro standing in the doorway to her room. No sound had been made by this individual, and after seeing him standing in the doorway she more or less passed out. As a result of the choking her tongue was bitten and bruised and bothered her for a week. Her eyes were bloodshot for three weeks, and the right side of her face was bruised. Her throat was bruised for some time. She does not know if she scratched her assailant or whether he wore gloves, but immediately after the assault blood was running out of her mouth because she had bitten her tongue.

Miss CYNTHIA BALMER, Red Cross
Hamilton Field, California

She can testify that on the night of February 11, 1947, she left Hamilton Field at approximately 6:45 P.M. in a Red Cross staff car, she being a Red Cross representative at Hamilton Field, California. She returned to building T-575, Hamilton Field, California, at approximately 9:30 P.M. from a Red Cross meeting in San Rafael and entered the day room door. Lieutenant MC MANIVIE was standing in the doorway with Corporal REISEMAN and Lieutenant GRIDMETT. The day room door has a screen door outside it which was being held open by the people who were standing there. This screen door is never propped open and has a spring on it so that it closes automatically. The porch light was off, meaning the porch just outside the day room door, and later during the next hour she saw that it had been unscrewed by someone. She thereupon screwed the bulb in and the light was again put on.

When she arrived at 9:30 P.M. the girls who were there at the time were very excited and she did not see any guard of sentry around the building. She checked the catches thereafter on all the windows in all the rooms not being occupied. The only people living on the first floor were [] in Room 1, Miss BALMER in Room 2, and Captain SUMMERSBY in Room 3. She went to bed about twelve o'clock midnight and left her door open and her light on so that she could read. Her light was on the dresser. At the time she went to bed, there were two lights on in the hall, one near the telephone and one in the kitchen. Before she went to bed all three doors were locked. The lights were left on in the day room, as well as the light on the porch outside the dayroom door. Her room is right across the hall from the room of Captain SUMMERSBY.

Captain SUMMERSBY went to bed a little before she did and left her door open. She heard some noise in the hall about 2:20 A.M. and got up and looked in the hall and didn't see anything. About this time the two lights were still on in the hall, one near the telephone and one near the kitchen.

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She returned to her room and closed the door but left her light on. About 2:50 A.M. on February 12, 1947, she thought she heard voices of people talking. She herself was half asleep but she got out of bed and realized that what she heard was a person making strangling noises. Her light was on and she opened her door and walked across the hall to Captain SUMMERSBY's door which was open. There were no lights on in the hall at this time. She looked in Captain SUMMERSBY's room and saw a negro man standing by the head of her bed with his back towards her and his left hand raised, and he had what appeared to be some sort of a light in his left hand as there was a dim glow in that corner of the room. His right hand was down. Captain SUMMERSBY was screaming "CYNTHIA". She, Miss BALMER, said, "Oh, my God, get out", and immediately started to go to the telephone in the hall.

At the time she saw the negro man standing by Captain SUMMERSBY's bed she could not see where his right hand was and could only say that it was down. At this time Captain SUMMERSBY was making noises that sounded like strangling noises and was also calling "CYNTHIA". She described this negro as being about 5' 10" in height, with a powerful build, broad shoulders, and narrow hips. He had close-cropped black hair and was wearing a light tan shirt. He wore no hat and made no sound, and she does not know if he wore gloves. She did not see his face. As she was going down the hall to the telephone he passed her in the hall going in the same direction as she was. He was running and he passed to her left and went toward the day room. There were no lights on in the day room or the hall or on the porch outside the day room. When she first entered Captain SUMMERSBY's room the light from her own room shone across the hall into Captain SUMMERSBY's room.

Upon reaching the phone she tried to call the main gate and couldn't get the number. So she started calling for the girls. She then called for the sentry by yelling out the door of the west end of the building which was next to her room. When she went to the phone Captain SUMMERSBY followed her out of the room and collapsed on the floor outside her room. About five or ten minutes after the incident a sentry arrived as the result of her yelling from the door. There was no sentry guarding T-575 after the first entry, and the one who appeared was the one who had the tour of duty in the general vicinity of Building T-575. The sentry came in and looked in the day room for them to see if the intruder was still there. She later looked in the day room and saw that one window had a broken pane and the window was open. She did not see any blood on the broken window or in the hallway. After the sentry arrived, [redacted] a medical OD, arrived and took Captain SUMMERSBY with him. [redacted] did not arrive for some time.

[redacted]
CID Agent

Will identify the following exhibits:

Exhibit No. 13 - A small photograph of the screen of the broken day room window in Building 575.

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Exhibit No. 14 - An enlarged picture of Exhibit 13, Building T-575.

Exhibit No. 15 - A picture of the broken day room window in Building T-575.

Exhibit No. 16 - Latent fingerprint obtained by Sergeant WILLIAM SCHAEFFER from broken pane in window of day room, Building T-575. To be offered for further identification by Special Agent JAMES C. NEEL, FBI, and to be offered in evidence by Mr. S. F. LATONA, fingerprint expert.

WILLIAM SCHAEFFER can testify that he is a member of the armed forces stationed at Hamilton Field, and he was stationed at Hamilton Field on February 12, 1947. He has been in the service for twenty years and is a criminal investigator for the Air Service Command. No passes are required before anyone can go on Hamilton Field, and the fences which mark the boundaries of the field are not thoroughly guarded. On the morning of February 12, 1947, he was called from his home in Meadow Park to the WAC officers' quarters, Building T-575. He arrived about 4:00 A.M. and there was a commotion in the building. Present were several WAC officers, Lieutenant Colonel DEYO, Provost Marshal Sergeant EDWARDS, and also a criminal investigator, Captain KOLBENSCHLAG. There was a sentry stationed at one of the intersections to keep the curious away and also to protect the occupants of the building. The electric light bulb on the outside of the building was unscrewed on the east end porch (see Exhibit 5 which is a picture of Building T-575).

There was a path outside the barracks alongside a broken window. He measured the distance from the ground to the windowsill, and it was 5½ feet from the ground to the bottom of the sill. The window itself was three feet two-inches wide and five feet one inch high. He experimented with the window by putting his hands crosswise inside the window, and he could touch the plunger pins with his crossed hands. The window had been raised to the second plungers and he was able to crawl through the opening in the window. He directed the taking of the pictures of the broken window, the shut screen, and the door. The glass was on the inside of the WAC officers' quarters in the day room. He first looked for fingerprints on the window and lifted two prints. There was no blood on the window. There was a smudge on the broken window where the prints were lifted (see Exhibit 14 which is a picture of the broken window).

The following persons were present when he lifted the prints: Lieutenant FAIRFAX, WAC officer now discharged; Lieutenant JENSEN, WAC officer located at Hamilton Field; Lieutenant MC MANIMIE, WAC officer; Miss BALMER, Red Cross social worker; and Sergeant EDWARDS.

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This is the way the prints were lifted: He put fingerprint powder around the entire broken surface of the window. The only ones that came out were those shown in the picture (see exhibit 14). In the lower right hand is shown a smudge. From this particular smudge he lifted two prints by means of scotch tape. He put the scotch tape with the prints on it on top of a piece of white paper, and thinks it was an envelope, and marked the prints, "Taken from broken window at T-575 re SUMMERSBY case. He believes the people who saw him lift the prints saw him write on the paper on which he placed the scotch tape containing the latent fingerprints. The light on the outside of the building had been painted with heavy paint which left a rough surface and that would not take a print and there were no prints available. He powdered the top of the piano and the top of the ash tray. There were many fingerprints over these articles but none were clearly discernible, which left just the prints taken from the broken window which in his opinion were clear enough for identification. He gave the prints to Special Agent JAMES C. NEEL of the FBI for examination.

There was blood on the pillow case of Captain SUMMERSBY's room. After a complete examination of the Building both inside and outside and including the top of the hill for possible hiding spots, he called the photographer and indicated the pictures he wanted taken. He looked in the boiler room, and it was unlocked and there was no lock on the boiler room door. He questioned Lieutenant MC KANDIE and she told him what had transpired.

The next morning, February 12, 1947, he saw Mrs. MARTIN, the housekeeper, and she accompanied him and [] of the 4th Air Force CID office and Deputy Sheriff LAWSEN. They went to Mrs. RUTH BRYANT's house in Marin City and spoke to her. Her husband, MARION BRYANT, was not there. He then left in company with Mrs. MARTIN and went to the Sheriff's Office in San Rafael. BRYANT was brought in at 2:00 o'clock by Deputy Sheriff LAWSEN, and about 5:00 o'clock Lieutenant MC KANDIE came in.

Staff Sergeant CLYDE M. EDWARDS
CID, Hamilton Field, California

He can testify that he was in Building T-575 with Sergeant WILLIAM SCHAEFFER in the early morning of February 12, 1947, at Hamilton Field, California, and he observed Sergeant SCHAEFFER lift latent fingerprints from the broken pane of glass in a window in the day room of this building. Sergeant SCHAEFFER used scotch tape to lift these prints after placing fingerprint powder on the glass and thereafter placed the scotch tape containing the latent fingerprints on a white piece of paper. Sergeant SCHAEFFER thereafter attempted to find other latent fingerprints in the building, and one of the places that he tried to locate some was on the light bulb on the porch at the east end of the building.

San Francisco #70-843

EARL W. CHRISTENSEN, Deputy Sheriff
Marin County Sheriff's Office
San Rafael, California

Exhibits to be offered for identification:

Exhibit No. 17 - Fingerprint card containing fingerprints of MARION BRYANT taken by CHRISTENSEN at the San Rafael Sheriff's Office on February 13, 1947, to be offered for further identification by Special Agent JAMES C. NEEL, FBI, and to be offered in evidence by Mr. S. F. LATONA, FBI fingerprint expert.

CHRISTENSEN can testify that he is a deputy sheriff, Marin County Sheriff's Office, San Rafael, California, and is in charge of radio operations. On February 13, 1947, after MARION BRYANT had already been booked in the identification room of the sheriff's office at San Rafael, he took the fingerprints of BRYANT. BRYANT voluntarily gave him these fingerprints without any coercion whatever. He never threatened or struck BRYANT and has never seen anyone threaten or strike him. He took four sets of fingerprints; one set was sent to the FBI, one set to the Criminal Identification and Investigation Division of the State of California, and two sets were kept in the files of the San Rafael Sheriff's Office.

JAMES C. NEEL, Special Agent
FBI, San Francisco, California

Exhibits to be identified:

Exhibit No. 16 - Latent fingerprint to be offered in evidence by S. F. LATONA, fingerprint expert, FBI.

Exhibit No. 17 - Fingerprints of MARION BRYANT taken by Deputy Sheriff CHRISTENSEN, San Rafael Sheriff's Office, February 13, 1947, to be offered in evidence by S. F. LATONA, fingerprint expert, FBI.

Exhibit No. 18 - Confession of MARION BRYANT, dated February 15, 1947.

Exhibits No. 111 and 112 - Pictures of San Rafael Sheriff's Office, if can not be identified by Lieutenant MC VANNIE.

Special Agent NEEL can testify that he obtained the latent fingerprints (Exhibit No. 16) from Sergeant WILLIAM SCHAEFFER, Hamilton Field, California, approximately April 15, 1947, and also obtained a fingerprint card (Exhibit 17), with the fingerprints of MARION BRYANT on it, from Deputy Sheriff LEAVITT BAKER, San Rafael Sheriff's Office, and forwarded the same to the Identification Division of the Federal Bureau of Investigation, Washington, D.C., for examination. Special Agent NEEL can testify as follows:

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"On February 15, 1947, I met Sergeant WILLIAM SCHAEFFER at the San Rafael Sheriff's Office shortly after noon. Sergeant SCHAEFFER and I were admitted to the telephone room in the jail, which is located inside the San Rafael Sheriff's Office, and VARION BRYANT was brought into the telephone room to be interviewed by one of the deputy sheriffs. All three of us sat down at the table in the telephone room and I showed VARION BRYANT my credentials, telling him that I was a special agent of the FBI, and advised BRYANT that I wanted to talk to him about the incidents that had happened at Hamilton Field. BRYANT was advised that he did not have to make any statements, and that any statement he made could be used against him in a court of law. BRYANT then asked why he was being interviewed, and I explained to him that the local authorities have no jurisdiction over crimes occurring on a Government reservation, and as Hamilton Field was a Government reservation, the Federal Government had jurisdiction. BRYANT was told that the Federal Bureau of Investigation was conducting the investigation in this case. BRYANT did not appear frightened in any way and had no marks or bruises to indicate that he had been beaten. SCHAEFFER did not do any of the questioning other than to draw a small diagram of the area around Building T-575 so that the exact location of the hill and other nearby points could be seen with relation to Building T-575.

"I asked BRYANT where he had been on the night of February 11, 1947, and he readily admitted that he had gone to Hamilton Field and had entered Building T-575 on two occasions with intent to commit rape, and had subsequently assaulted Captain SUMMERSBY in the same building with intent to commit rape (see Exhibit 18, the confession, dated February 15, 1947, which is also set out in appendix). I did not furnish BRYANT any information and he furnished all the information as to where he had been and to what he had done in answer to questions put to him. During the course of the questioning I made a few notes which were subsequently destroyed because they did not concern matters that were not thereafter included in the confession itself. BRYANT never at any time denied being guilty.

"After going over the whole story verbally and making a few notes, I started to write out a statement. When I reached the point where BRYANT was telling about his choking Captain SUMMERSBY, he developed a pain in his side, and a mark was placed on the statement at this point. It was some time after 2:00 P.M. that this happened. I did not question him any further and immediately called Deputy Sheriff LEAVITT BAKER, who came into the telephone room and asked BRYANT if he wanted a doctor. BRYANT said no and asked for something to rub on his body. I told BRYANT that I would not talk to him any more until he felt all right. BAKER then took BRYANT into the dining room of the jail and I left the jail with SCHAEFFER at this time.

"I returned to the jail at approximately 5:30 P.M. on the same day, and I went up to the bars of the cell just outside the dining room and spoke to BRYANT and asked him if he felt all right and wanted to continue. He stated that he felt all right and was willing to continue his statement.

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"BRYANT was placed in the telephone room again by one of the deputy sheriffs, and WILLIS BRUNS, one of the deputy sheriffs, came in with me while I continued to talk to BRYANT. There was no one else in the room. SCHAEFFER was not with us. I finished writing the statement and then asked BRYANT to read it. He took the statement from me and looked at it for a few seconds, and then said that he did not read very well. I then told him that I would read it to him. I carefully and slowly read the entire statement to BRYANT, asking him periodically throughout the statement if he understood it, and he always said that he did. When the point was reached in the statement where the words "sexual gratification" were mentioned, BRYANT said that he did not quite understand that, and it was explained to him by Deputy Sheriff BRUNS.

"I continued to read the statement until I had completed it, and then I asked BRYANT if he had any questions about the statement or was there anything in it that he did not understand, and he said no, that he understood it. I then told him that it could be used against him in a court of law and said that he was not required to sign it. I then asked him if he wanted to sign it and told him again that he was not required to sign it. He took the statement and looked at it, having hesitated for 15 or 20 seconds, and then said that he was willing to sign it. He then signed each and every page of the statement, which was subsequently witnessed by Deputy Sheriff BRUNS and myself.

"BRYANT did not at any time appear frightened and I did not raise my voice above a normal speaking tone at any time or threaten him in any way. After BRYANT had signed this statement, I asked him some questions about his background, which information I put down in my notes. The interview was completed about 6:00 or 6:10 P.M., and BRYANT was returned to the jail. I had not seen MARION BRYANT prior to February 15, 1947. The whole interview from the beginning until the statement was completed took between 2½ and three hours, which included the writing of the statement and the taking of the notes regarding BRYANT's background by me."

" S. F. LATONA, Fingerprint Expert
FBI, Washington, D.C.

Exhibits to be offered in evidence by Fr. LATONA:

Exhibit No. 16.- Latent fingerprint obtained by WILLIAM SCHAEFFER from broken pane of window, Building T-575, February 12, 1947.

Exhibit No. 17 - Fingerprints of MARION BRYANT taken by Deputy Sheriff CHRISTENSEN of the Marin County Sheriff's Office, San Rafael, February 13, 1947.

*Note: Also offer here as part of same exhibits the enlargements of Exhibits 16 and 17 and offer copies of these same to the jury.

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Mr. LATONA will testify that the latent fingerprint (Exhibit 16) is identical with the inked left index finger appearing on fingerprint card of MARION BRYANT (Exhibit 17); in substance, that the latent fingerprint is that of MARION BRYANT.

REBUTTAL EVIDENCE TO SHOW THAT CONFESSION WAS NOT INVOLUNTARILY
GIVEN TO BE INTRODUCED AFTER MARION BRYANT AND OTHER
WITNESSES HAVE TAKEN THE WITNESS STAND TO CLARIFY
THAT HIS STATEMENT WAS INVOLUNTARY

San Rafael, California

Will identify the following exhibit:

Exhibit A - Floor plan of Marin County Sheriff's Office and jail,
San Rafael, California.

will testify that he is connected with the Marin
County Engineers Office and made Exhibit A after taking all the measurements.

JOSEPH WILLIAMS, Under-Sheriff
Marin County Sheriff's Office
San Rafael, California

*Optional - may not use.

JOSEPH WILLIAMS can testify that he received a phone call at his home on February 12, 1947, at about 5:00 P.M. from Deputy Sheriff JAMES SAITONS who was at the Marin County Sheriff's Office in San Rafael. He came to the Sheriff's Office about 5:50 P.M. and MARION BRYANT was in the office of WALTER SELMER, Sheriff, with Colonel DEYO, Lieutenant SATHER, Sergeant SCHAEFFER, and Deputy Sheriff JAMES SAITONS. MARION BRYANT was sitting in a chair in front of Sheriff SELMER's desk, and he came in and sat behind the desk. He then questioned BRYANT and BRYANT started to stall by saying that FATS WILLIAMS took him down to Hamilton Field; that FATS WILLIAMS went out there to murder a SAC officer. He told BRYANT that he was lying and then questioned him about the Marin City rapes. BRYANT finally said that he would tell the truth, and during the whole confession the other people in the room talked on and off, interrupting to ask questions now and then, although he was actually doing the questioning. It was about 8:00 P.M. when BRYANT said that he would tell the truth. BRYANT was never struck by anyone and did not fall off the chair. He took BRYANT into his office and BRYANT's relatives were sitting outside his office on the bench. He sat behind his desk and BRYANT sat opposite him. Deputy Sheriff MARVIN C. HOY was also in the room.

He started to write out a statement in longhand and wrote part of a page and could see that BRYANT was not telling the truth, and he told

San Francisco #70-213

BRYANT to stop lying and to tell the truth. During this questioning Deputy Sheriff HOY went in and out of the office in order to take care of the radio. After writing part of the page he tore it up as it did not appear to be the truth, and at that time BRYANT said that he would tell the truth. BRYANT then talked and furnished all the information concerning the rapes at Marin City (See statement in appendix). BRYANT furnished information concerning the house numbers, meaning addresses, in Marin City and how he had entered the building at Marin City, which information he, WILLIAMS, did not have in front of him at the time. This statement was then read by BRYANT and he said that it was correct and he then signed it. HOY witnessed this statement. He finished talking to BRYANT about 10:30 P.M. and did not talk to him again after that. After 10:30 P.M. BRYANT was placed in the room next to WILLIAMS' office, and he asked [redacted] some questions and also BRYANT's wife. He does not remember what questions he asked. BRYANT never asked him for an attorney. Sometime before 12:00 midnight BRYANT was put in a cell in the jail.

[redacted]
Clerk in the Office of
Justice of the Peace N. CHARLES BRUSATORI

Can testify that she saw BRYANT on February 13, 1947, when he was arraigned before Justice of the Peace N. CHARLES BRUSATORI. The defendant did not appear to be frightened or under any coercion and did not have any bruises or mark on him which would indicate that he had been beaten.

The following exhibits are to be offered in evidence without the use of witnesses:

Exhibit B - Exemplified copy of the arraignment of MARION BRYANT on February 13, 1947, and record of court appearances before Justice of the Peace N. CHARLES BRUSATORI at San Rafael, California.

Exhibit F1- Exemplified copies of the Superior Court records, San Rafael, California, concerning the case of The People of the State of California vs. MARION BRYANT (may or may not be used) to show reason why defendant was held between the date of arrest, February 12, 1947, and date of arrest by the United States Marshal April 23, 1947.

JAMES C. NEEL, Special Agent
FBI, San Francisco, California

This witness will identify the following exhibits:

Exhibit No. 11A - Pictures of Under-Sheriff JOE WILLIAMS office, San Rafael Sheriff's Office.

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Exhibit 11B - Picture of interior of San Rafael Sheriff's Office showing visitor's counter and Under-Sheriff JOE WILLIAMS' office.

(These exhibits will be referred to as Exhibits C and D respectively in rebuttal instead of 11A and 11B.)

Exhibit E-1 - Picture of telephone room of the Marin County Jail, San Rafael, with the door closed.

Exhibit E-2 - Picture of telephone room of the Marin County Jail, San Rafael, with the door open.

Exhibit F - Picture of the closed door of the telephone room, Marin County Jail, San Francisco, taken from inside dining room of the jail.

If it is necessary for Special Agent NEEL can testify to the prior testimony given in case in chief.

LEAVITT BAKER, JR.
Deputy Sheriff, Marin County
Sheriff's Office, San Rafael, California

He can testify that he is the deputy in charge of identification, Marin County Sheriff's Office, and that on the afternoon of February 15, 1948, Special Agent NEEL of the FBI, who had been taking a statement from MARION BRYANT, indicated that the defendant had complained of some pain in his groin. He spoke to MARION BRYANT, BRYANT asked for some rubbing alcohol and he told him that none was available. He then asked MARION BRYANT whether he wanted a doctor, and MARION BRYANT said that he did not. He then took BRYANT into the dining room of the jail where the inmates were walking around, and BRYANT lay down on a bench. Sometime thereafter BRYANT was made available for continued interview by Special Agent NEEL, but he does not know who brought BRYANT out to Special Agent NEEL. He never struck or raised his voice against BRYANT and at no time when he saw BRYANT did he ever appear frightened or indicate that he had been intimidated.

JAMES SALMONS, Deputy Sheriff
Marin County Sheriff's Office,
San Rafael, California

A. TESTIMONY RE ACTIVITIES ON FEBRUARY 12, 1947 - May or may not use.

He can testify that about 12:00 A.M. on February 12, 1947, he received a telephone call from Sergeant [redacted] Hamilton Field, California. He was in charge of the Sheriff's Office on February 12, 1947. He called the Sheriff's Office Sub-Station at Marin City sometime between 12:00 and 1:00 o'clock but is not definitely sure about the time. Deputy

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Sheriff GEORGE LAWSON brought MARION BRYANT into the Marin County Sheriff's Office at San Rafael, and BRYANT sat on a bench in the waiting room outside the under-sheriff's office. (See bench in Exhibit 11A) He then called Sergeant SCHAEFFER and shortly thereafter Sergeant SCHAEFFER and a soldier in uniform appeared. Both Sergeant SCHAEFFER and the soldier were from the investigation division at Hamilton Field. They took BRYANT into the Sheriff's Office and did not find any marks or scratches on his face but found one little nick which did not appear to be fresh on one of his fingers. He does not remember the hand or the finger that the mark was on. They had him stripped to the waist and there were no marks on him. They then brought BRYANT back into the under-sheriff's office, and there are no blinds of any kind to obstruct the view of the glass windows looking from the outside waiting room into the under-sheriff's office. There is a path running around the building where pedestrians walk on the side of the under-sheriff's office and the sheriff's office.

Lieutenant MC MANIMIE and Miss PALMER then came to the office at approximately between 3:00 and 4:00 o'clock. Lieutenant MC MANIMIE came in and SALMONS in no way suggested that BRYANT had committed a crime. After the identification Miss PALMER and Lieutenant MC MANIMIE left. In the meantime Lieutenant SATNER and Colonel DEYO arrived. They took BRYANT into the sheriff's office and again questioned him. No one in his presence threatened BRYANT or abused him, and neither did he at any time. After Lieutenant MC MANIMIE had identified BRYANT and after BRYANT had admitted his guilt, he called Under-Sheriff WILLIAMS and thereafter gave Under-Sheriff WILLIAMS his notes and left to have something to eat. (See appendix for notes taken by Deputy Sheriff SALMONS.) These notes were taken on interview of BRYANT and are signed by BRYANT in the presence of Under-Sheriff WILLIAMS.

During the conversation between BRYANT and him he would occasionally go out on business, leaving BRYANT with SCHAEFFER and the other man. The door to the sheriff's office was always open and there was an unobstructed view. BRYANT's wife, RUTH BRYANT, and [redacted] came into the waiting room prior to WILLIAMS' coming into the office. He asked MARION BRYANT no questions about [redacted] at all and the subject was never brought up at that time. MARION BRYANT told him step by step how he had gone to Hamilton Field and into the barracks, and about this "FATSO" waiting up on the hill. The only information he had about the Hamilton Field incidents was that a Captain SUMMERSBY had been assaulted. He was never told by anyone except MARION BRYANT about the laundry room incident with Lieutenant MC MANIMIE. This was the first time that he heard of it.

About 10:00 or 11:00 P.M., after Under-Sheriff WILLIAMS had informed him that BRYANT had admitted the Marin City rapes, they drove there with Mrs. BRYANT and her brother-in-law to the brother-in-law's house. MARION BRYANT said that he was getting a new apartment and that he was then living at his brother's house. BRYANT's brother-in-law gave SALMONS his consent to go into the house and they searched the house and found some bullets. They were scattered in the dresser drawer, under clothing, shirts, and underwear. Mrs. BRYANT then told him that there was some stuff in another apartment.

San Francisco #70-343

After the search he returned to the office. BRYANT had already been locked up and booked, and he did not see him. That was at midnight.

B. THE FOLLOWING TESTIMONY MUST BE USED:

Deputy Sheriff SAMMONS can testify that on February 15, 1947, Special Agent JAMES C. NEEL of the FBI was questioning BRYANT in the telephone room in the Marin County jail. He had been told that during the middle of the questioning BRYANT had become ill and had pains. He saw BRYANT lying on a bench in the dining room and asked him what was the matter. BRYANT said that he had pains in his groin, and he asked BRYANT if he wanted to go back in the cell and lie down on a bed, and BRYANT said that he would like to. Ordinarily the cell doors are locked but the inmates are not allowed to lie down during the day. He took BRYANT into Cell 6 and asked him to strip down his trousers to see whether he was swollen, but he was not swollen at all. He did not put BRYANT in Cell 13 on that date, which was February 15, 1947. He left and did not see him again. He did not strike BRYANT and has never struck him. He locked the door to Cell 6 so that the other inmates could not come in as it was against the rules, and BRYANT was allowed to remain in Cell 6, lying on the bed as he was not feeling well.

WILLIS BRUNS, Deputy Sheriff
Marin County Sheriff's Office
San Rafael, California

BRUNS can testify that on February 15, 1947, he was asked by Special Agent JAMES C. NEEL of the FBI to sit in on an interview that Special Agent NEEL was having with MARION BRYANT in the telephone room of the Marin County jail, San Rafael, California. Special Agent NEEL had previously been interviewing MARION BRYANT, and he, BRUNS, first entered the telephone room at approximately 5:00 or 5:30 P.M. Special Agent NEEL spoke to BRYANT for about half an hour and then read to BRYANT the complete statement very slowly. BRYANT stated that he understood the statement, with the exception of the words "sexual gratification", the meaning of which was explained to BRYANT by BRUNS himself. After reading the whole statement, Special Agent NEEL advised BRYANT that he did not have to sign it, and that the statement could be used against him in a court of law. BRYANT then agreed to sign the statement and signed each page of it. Special Agent NEEL did not raise his voice during the questioning, nor did he threaten BRYANT in any way or strike him, and neither did he, BRUNS.

WARREN KANE, Deputy U. S. Marshal
San Francisco, California

Mr. KANE can testify that on April 23, 1947, the Marin County Sheriff's Office turned MARION BRYANT over to him as he had a federal warrant for the arrest of BRYANT. At that time in the San Rafael Sheriff's Office he searched BRYANT. BRYANT did not have any bloody handkerchief on his person or in his property at this time.

San Francisco #70-842

Sergeant WILLIAM SCHAEFFER
CID, Hamilton Field, California

Sergeant SCHAEFFER can testify that MARION BRYANT was brought into the Marin County Sheriff's Office at San Rafael at about 2:00 o'clock by Deputy Sheriff LAYSON on February 12, 1947. From 2:00 o'clock in the afternoon until the final confession was taken by Under-Sheriff WILLIAMS, he was with BRYANT all of the time except for a gap of two or three minutes. At no time did anyone strike BRYANT and he had no idea that the person who had been in the laundry room had come back and attempted to assault Captain SUMMERSBY. At that time there appeared to be no connection between the two incidents. At no time did he ever suggest by a leading question that BRYANT had been in the laundry room. BRYANT volunteered this information himself.

On February 15, 1947, Special Agent NEEL of the FBI made an appointment with him to interview BRYANT. They interviewed BRYANT, and when the statement was almost through BRYANT complained of a pain in his groin. They called Deputy Sheriff LEVITT BAKER, who immediately came in and asked BRYANT if he wanted a doctor, and BRYANT said no. Special Agent NEEL never struck BRYANT or threatened him in any way. He, SCHAEFFER, had no gun or any weapon and neither did Special Agent NEEL as far as he could see.

Question to be asked of MARION BRYANT on cross-examination re
admissability of confession

MARION BRYANT should be asked which rooms he was taken in on February 12, 1947, at the Marin County Sheriff's Office, San Rafael, so that it can be argued later that if the authorities wanted to beat him up they could have taken him to a solitary cell (see Exhibit A, which is a floor plan of the Marin County Sheriff's Office and Jail and shows the solitary cells).

*Note: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ.

REBUTTAL ON MARION BRYANT'S CASE IN CHIEF

If BRYANT testifies that he leads a clean moral life and has never been in any trouble, [redacted] may be called as a witness.

[redacted]
San Francisco, California

Can testify that at approximately 12:15 A.M. on January 19, 1947, she was in her residence and saw MARION BRYANT in her residence hiding behind a sofa in the living room watching [redacted] and her undress. They both then frightened him out of the room. After he had gone they found that a considerable amount of money and jewelry was missing.

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San Francisco #70-843

If BRYANT places his honorable discharge in evidence and states that he was never in any trouble in the service, introduce identified copy of a service record in the United States Army and clinical record in the United States Army. The clinical record states in part that BRYANT has primitive sexual attitudes.

If BRYANT testifies that there were blinds in the under-sheriff's office, any of the deputy sheriffs appearing as witnesses can testify that this is not the case.

If Mrs. RUTH BRYANT is called as a witness and testifies that she was not allowed to visit MARION BRYANT in the Marin County Jail, San Rafael, California, [redacted] should be called.

[redacted]
Marin County Jail
San Rafael, California

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Exhibits to be identified:

Exhibit B - Visitors slips, Marin County Jail, San Rafael, signed by Mrs. RUTH BRYANT.

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Exhibit I - Fingerprint card containing fingerprints of RUTH JANE BRYANT, taken by Deputy Sheriff J. DALY, signed RUTH JANE BRYANT

[redacted] can testify that Mrs. RUTH BRYANT filled out a visitor's slip at the Marin County Jail, San Rafael, California, on February 13, 1947, and was allowed to visit MARION BRYANT on that date, and also filled out visiting slips on February 18, 20, 27; March 1, 6, 8, 11; and April 19, 1947. On February 13, 1947, [redacted] did not herself take Mrs. BRYANT to the visitors' room in order that she could see MARION BRYANT but one of the deputies did. She does not know of any instance where Mrs. BRYANT was refused permission to see MARION BRYANT, and she herself let Mrs. BRYANT in the visitors' section to see MARION BRYANT on one occasion, which date she does not recall.

If Mrs. BRYANT denies that she signed the visitor's slips, Mrs. COSTIGAN can testify that Mrs. BRYANT signed the fingerprint card which contained her fingerprints on April 1, 1947, the fingerprints being taken by Deputy Sheriff J. DALY. She can also testify that Mrs. BRYANT signed the fingerprint card and filled out the opposite side of the fingerprint card in her own handwriting.

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Mrs. BRYANT is to be asked if she did not tell Sergeant WILLIAM SCHAEFFER that BRYANT was with her on the night of February 11, 1947. If she denies this,

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Sergeant WILLIAM SCHAEFFER
CID, Hamilton Field, California

Will testify that on February 12, 1947, he spoke to Mrs. BRYANT at Marin City and attempted to locate MARION BRYANT by asking her where her husband was at that time, and she said that he was not there. He then told her that they wanted to talk to MARION BRYANT a little about where he had been the night before. Mrs. BRYANT immediately offered the explanation that MARION BRYANT was in her company at Marin City cafeteria until 11:00 or 11:30 P.M., and that they went straight home to bed. He asked her if it was possible for MARION BRYANT to have left the apartment without her knowledge, and she said no; that he had been there up until almost the time of their talking to her, and that he had left to go to an employment office. He asked when MARION BRYANT came in to have him call at the Marin County Sheriff's Office Sub-Station, Marin City, and she promised to do this.

MARION BRYANT should be asked if he did not tell Assistant District Attorney ELLIS DUFFICY on February 13, 1947, the reason that he choked Captain SUMMERSBY was because he got a sexual thrill out of it. If he denies making this statement, call

ELLIS DUFFICY
Assistant District Attorney
San Rafael, California

as a rebuttal witness. Mr. DUFFICY will testify that on February 13, 1947, the defendant told him that the reason that he choked Captain SUMMERSBY was because he got a sexual thrill out of it.

Deputy Sheriff JAMES SAYONC
Marin County Sheriff's Office
San Rafael, California

Can testify that on the morning of February 13, 1947, MARION BRYANT told him that he got sexual satisfaction from choking a woman.

For purposes of impeachment and to show Mrs. BRYANT's motive and bias in this case, she should be asked if it was not a fact that she smuggled hacksaw blades into the Marin County Jail, San Rafael, California, in order to help her husband. If she denies this, show her statements in the transcript of the first trial in this case. (See Pages 231, 232, and 233 of transcription.)

All of the alibi witnesses should be asked if they ever told BRYANT's alibi to any of the authorities. The alibi was that BRYANT, during the pertinent period of February 11 and the AM of February 12, 1947, was first at the Marin City cafeteria and then went to the home of [redacted] played checkers for a while, and thereafter went to his own residence in Marin City and went to bed. The alibi witnesses have stated

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San Francisco #70-243

that they saw BRYANT at the home of [redacted] playing checkers at approximately 9:30 P.M. on February 11, 1947.

Deputy Sheriff JAMES SALMONS
Marin County Sheriff's Office
San Rafael, California

Can testify that on February 12, 1947, when he was questioning MARION BRYANT, he asked him where he was on the night of February 11, 1947, from approximately 6:00 o'clock on. BRYANT told him that he had been in the cafeteria at Marin City during the early part of the evening until about eight o'clock. BRYANT never said anything about playing whist or checkers and said that he left the cafeteria and went home on the night of February 11, 1947, saying that he was in bed by 8:00 or 8:30 P.M. That question was asked of him many times, and he continually stated that he was in bed at 8:00 or 8:30 P.M. He can also testify that no one ever told him, [redacted] or [redacted] or anyone else, that MARION BRYANT was playing checkers on the night of February 11, 1947. After the cross-examination of [redacted] and for rebuttal,

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[redacted]
San Rafael, California

b7C

Can testify that Mrs. BRYANT told her that MARION BRYANT wanted to come up and work at Hamilton Field and wanted Mrs. BRYANT to stay home; in other words, he wanted to take her place. She told Mrs. BRYANT that she could not do that as he is not allowed in the girls' place, and Mrs. BRYANT said, "He is in jail," and she said "Not with me." Mrs. BRYANT then said "Please don't be like that," and she told Mrs. BRYANT that if MARION BRYANT came Mrs. BRYANT would lose her job. Mrs. BRYANT then said, "If that's the way you feel, I'll have to come."

Special Agent JAMES C. NEEL
FBI, San Francisco, California

Can testify that he contacted the taxicab companies in the city of San Rafael in an attempt to obtain information concerning the identity of the driver who might have taken MARION BRYANT from Hamilton Field to San Rafael on the early morning of February 12, 1947, but was unable to locate any such driver. The records of these cab companies very often do not indicate that passengers were taken on a return trip. Taxi drivers sometimes take passengers to a destination, and when they have an opportunity to bring a passenger back, they often do so and don't mark it on the book and pocket the money themselves. He can also testify that he made every effort to locate the individual known as FATS WILLIAMS through sources at Hamilton Field and Marin City and San Francisco, with negative results.

San Francisco #70-843

APPENDIX

NOTES AND STATEMENTS TAKEN REGARDING
INTERVIEWS WITH MARION BRYANT

The following notes were written out by Deputy Sheriff JAMES SAMMONS, Marin County Sheriff's Office, San Rafael, California, on February 12, 1947, that being the result of his interview with MARION BRYANT. These notes were signed by MARION BRYANT after Union-Sheriff JOSEPH WILLIAMS had him read them. The signature was witnessed by Deputy Sheriff SAMMONS:

b6
b7C
b7D

San Francisco 770-843

b7D

Signed: Marion Bryant

This case first came to the attention of Special Agent JAMES C. NEEL, FBI, on the afternoon of February 13, 1947, when he was advised by his superiors in the San Francisco Field Office that the subject was in jail and had admitted the two entries and assault at Hamilton Field. On the morning of February 14, 1947, Special Agent NEEL stopped by the Marin County Sheriff's Office at San Rafael and obtained a copy of the signed statement executed by BRYANT under JOSEPH WILLIAMS, Under-Sheriff. This statement was obtained from Under-Sheriff WILLIAMS by Special Agent NEEL who immediately took it to his San Francisco Office. On February 15, 1947, Special Agent NEEL interviewed BRYANT at the Marin County Jail, San Rafael, and BRYANT executed the following signed statement:

"San Rafael, California
February 15, 1947"

"I, MARION BRYANT, make the following signed statement to JAMES C. NEEL who has identified himself to me as being a Special Agent of the Federal Bureau of Investigation. I make this statement freely and voluntarily and not because of any threats or promises of reward. I have been advised that I don't have to make this statement and I know that it can be used against me in a court of law.

"About 9:00 p.m. February 11, 1947, I was standing outside the Cafeteria at Marin City." About this time a man known to me as FAT WILLIAMS drove up in his car, a brown Chevrolet 1940 or 1941 model. I think it is a

San Francisco #70-243

sedan. He said he was going to Hamilton Field to see some friends. I told him I would go with him..

"I had been out to Hamilton Field before. My wife used to work as a maid at the quarters of the N.A.C. officers." I had been to this building before with my wife once.

"I decided to go back to Hamilton Field with FAT WILLIAMS. I didn't tell him why but I wanted to go to the N.A.C. officers quarters as I wanted to rape a woman. I didn't have any particular woman in mind. I thought I would have a better chance to rape a woman there as I didn't think there would be any men around. As I said before I didn't tell this to FAT WILLIAMS. FAT WILLIAMS drove the car and he and I were the only ones in his car. FAT WILLIAMS drove the car to the Squadron C Area in Hamilton Field and he talked to some friends of his. I got out of the car and walked around close to the car while FAT WILLIAMS talked to his friends. He talked about 15 minutes and then we left. I told FAT WILLIAMS to take me up on the hill. I didn't tell him where I wanted to go. He knew what hill I was talking about and he drove up on the hill, and let me out of the car. This hill and the place I got out of the car is near the quarters of the N.A.C. officers. I told FAT WILLIAMS I would pay him for giving me the ride. He refused to take any money. FAT WILLIAMS told me he was going back to the Squadron C Area. I didn't tell him where I was going or what I was going to do. I didn't make any arrangement with him to get a ride back to Marin City. I just left him. I don't know what time it was. I was wearing a green cap with a bill on it. I got this cap while I was in the army and I don't know the name of it. I was also wearing an olive drab battle jacket and a khaki shirt. There was no insignia on any of the clothes I was wearing. I was wearing black slacks. I call them pegs as the opening at the cuffs of the pants is small. I was wearing tan low shoes. It was raining hard when I got out of the car. I heard a car so I hid next to some building on the hill. I stayed at different places on this hill for about an hour and a half as cars kept coming by. I approached the N.A.C. officers quarters as carefully as I could so I wouldn't be seen. I hid behind trees and bushes on the way. I went down to the side of the N.A.C. officers quarters and waited a while. This side of the building was the side the boiler room was on. I then walked up to the end of the building where the day room is. I went up the steps at that end of the building, on to the porch. There was a light on the porch and I unscrewed the globe so the light went out. The first door was a screen door and it wasn't locked. I opened it and the next door was slightly open. I pushed this door open and went into the day room. I turned the lights out in the day room. I then walked down the hall and turned one light out in the hall. I went down the hall to the other end of the building and looked in the two end rooms. I was looking for a woman to rape. I wasn't looking for something to steal. I didn't see anyone so I went back to the laundry room and entered it. I heard someone coming so I hid behind the door. A woman came in the laundry room and turned the light on. I think she was dressed in a pink housecoat. She said "What are you doing in here? Get out of here!" She was speaking to me. I said "My wife used to work here". I didn't try to rape this woman because

San Francisco #70-843

she scared me. I ran out of the room and out the building the same way I had come in. I went back up on the same hill I had been on before. I went up to the top of the hill. I stayed up there until the lights all over the base went out. I heard a bugle blow and all the lights went out. It was still raining a little bit. I decided to go back to the W.A.C. officers quarters to get a woman to rape. I looked in the window of the building and saw that the door I had first gone in was locked. I found a chair near the building and put it up against the building under the window of the day room at the back of the building. I then took a small knife I had and cut the two lower corners of the screen that was over the window. I then unlatched the screen and took the screen off and put it on the ground. The window was locked so I took my knife and tried to take the putty off of the window so I could remove the glass. In trying to do this I broke the window and I also broke the blade of my knife. After the glass broke I waited outside a while as I thought someone might have heard me. I then reached in and opened the window and crawled in the window into the day room. I wasn't intending to steal anything. The only reason I was going in this building was to find a woman to rape. I unlocked the front door so I could get out of the building if someone saw me. I went down the hall and turned out two lights in the hall. One was by the telephone. I walked down the hall to the other end of the building. I waited around in the hall awhile because I heard some noises. After things were quiet I went to the last room on the right. On my right as I was walking away from the day room. The door to the room was partly open and I stood outside of it for a little while and then I went in. I saw a woman asleep in the bed in the room. I waited in the room for about ten minutes before I did anything. It was my intention to rape this woman. I put both of my hands on this woman's neck, and started to choke her. While choking her I received sexual gratification. This woman kicked the wall when I was choking her. All I did to her was to hold her throat in my hands and choke her. I only had my hands on her throat a very short time. While doing this another woman opened the door to the room. When she saw me she ran to the telephone and I ran out of the building the same way I came in, though I went out the door through the day room and not out the window. I ran up the hill. A short time later I returned to the boiler room in the same building and dried my clothes in there as they were very wet from the rain. I then walked off of the base and took a taxi cab outside of the main gate to San Rafael. I took a bus from San Rafael to Marin City. It was after 12 midnight when I left the base but I don't know what time it was.

"At all times I was in the W.A.C. officers quarters I didn't go up on the second floor, and I was alone the entire time. I had a flashlight with me. When I ran up the hill the second time I threw what was left of my knife away. All that was left was a handle and it was light brown and dark brown mixed. The whole blade had broken off when I tried to get in the window.

"The above statement consisting of six and one half pages was read to me by Special Agent JAMES C. NEEL, F.B.I. and it is true and correct.

WITNESS:

/s/ VARIAN BRYANT

JAMES C. NEEL, F.B.I.

WILLIS H. BRUNO, Deputy, San Rafael Sheriff's Office"

San Francisco #70-343.

EXHIBITS, PLAINTIFF'S CASE IN CHIEF

Exhibits

To be offered by

Exhibit No. 1 - Exemplified copy of map of Hamilton Field, California

Exhibit No. 2 - Final Order of Condemnation in the case entitled, "United States vs. JULIUS BODKIN, et al," vesting title and awarding possession to the United States of America.

Exhibit No. 3 - Final Decree in case entitled, "United States vs. JULIUS BODKIN, et al."

Exhibit No. 4 - Map of Hamilton Field showing location of Building T-575 with relation to boundaries of Hamilton Field.

WAROLD LOCKHARD

Exhibit No. 5 - Picture of east end of Building T-575.

1st Lt. GLADYS E. MC MANISIE

Exhibit No. 6 - Picture of back of Building T-575 and hill behind building.

Exhibit No. 7 - Picture of front of Building T-575.

Exhibit No. 8A - Picture of interior of first floor of Building T-575.

Exhibit No. 8B - Diagram of floor plan of first floor of Building T-575.

Exhibit No. 9 - Picture of outside view of laundry room.

Exhibit No. 10 - Picture of inside of laundry room.

Exhibit No. 11 - Picture of Under-Sheriff JOE WILLIAMS' office, San Rafael Sheriff's Office

Exhibit No. 11B - Picture of interior of San Rafael Sheriff's Office showing visitor's counter and Under-Sheriff JOE WILLIAMS' office.

Exhibit No. 12 - Picture of room of Captain KATHLEEN E. SUMMERSBY in Building T-575.

Capt. KATHLEEN E. SUMMERSBY

San Francisco #70-843

Exhibit No. 13 - A small photograph of the screen Sargeant WILLIAM SCHAEFFER of the broken day room window in Building T-575.

Exhibit No. 14 - An enlarged picture of Exhibit "13," Building T-575.

Exhibit No. 15 - A picture of the 'broken day room' window in Building T-575.

Exhibit No. 16 - Latent fingerprint obtained by Sgt. WILLIAM SCHAEFFER from broken pane in window of day room, Building T-575. To be offered for further identification by Special Agent JAMES C. NEEL, FBI, and to be offered in evidence by Mr. S. F. LATONA, fingerprint expert.

Exhibit No. 17 - Fingerprint card containing fingerprints of MARION BRYANT taken by CHRISTENSEN at the San Rafael Sheriff's Office on 2/13/47, to be offered for further identification by SA JAMES C. NEEL, FBI, and to be offered in evidence by Mr. S. F. LATONA, FBI fingerprint expert.

Exhibit No. 18 - Confession of MARION BRYANT, JAMES C. NEEL, SA dated February 15, 1947.

EXHIBITS RE BUTTAL EVIDENCE TO SHOW THAT CONFESSION WAS NOT INCOMPULSARILY GIVEN

Exhibit A - Floor plan of Marin County Sheriff's Office and jail, San Rafael, California

Exhibit B - Exemplified copy of the arraignment of MARION BRYANT on 2/13/47 and record of court appearances before Justice of the Peace H. CHARLES BRUSATON at San Rafael, California.

Exhibit B-1 - Exemplified copies of the Superior Court records, San Rafael, California, concerning the case of The People of the State of California vs. MARION BRYANT (may or may not be used) to show reason why defendant was held between the dates of arrest, February 12, 1947, and date of arrested by the U.S. Marshal April 23, 1947.

Exhibits C and D - Same as Exhibits 11A and 11B.

Exhibit E-1 - Picture of telephone room of the Marin County Jail, San Rafael, with door closed

b7C

San Francisco #70-843

Exhibit B-2 - Picture of telephone room of the Marin County Jail, San Rafael, with the door open.

JAMES C. KEEL, SA

Exhibit F - Picture of the closed door of the telephone room, Marin County Jail, San Francisco, taken from inside dining room of the Jail.

EXHIBITS RE REBUTTAL OF DEFENDANT'S CASE IN CHIEF

Exhibit G - Identified copy of a service record and clinical record in the United States Army.

Exhibit H - Visitors slips, Marin County Jail, San Rafael, signed by Mrs. RUTH BRYANT.

Exhibit I - Fingerprint card containing fingerprints of RUTH JANE BRYANT, taken by Deputy Sheriff J. DALY, signed RUTH JANE BRYANT

b6

Result of Examination:

It is concluded that the Ruth Jane Bryant signatures on the visitors' slips, specimens Qc1 through Qc7, were written by Ruth Jane Bryant whose known signature appears on specimen Kc1.

In the event testimony is desired, the Laboratory should be afforded four days notice in order that the necessary photographic enlargements may be prepared and arrangements made for travel reservations.

Specimens Qc1 through Qc7 and Kc1 are retained.

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

RECORDED 3-18-47
2:30

Re: MARION BRYANT
CRIME ON GOVERNMENT RESERVATION
BURGLARY (With Intent to Commit Rape)
Assault (With Intent to Commit Rape)

File # ~~70-12778~~ 70-12778
Lab. # D-70083 AS

NO LAB FILE OPENED

Examination requested by: San Francisco 70-843

Date of reference communication: let. 8-15-47

Date received: 8-18-47

Examination requested: Doc.

Result of Examination:

8/18/47 gjs.
Examination by: BLAINE

Ident. Ruth Jane Bryant sup. Qc1 + Qc7 with Kc1

Specimens submitted for examination

- b6
b7C
- Qc1 A photostatic copy of a visitors' slip bearing the name "Ruth Jane Bryant", visitor "Marion Bryant", dated "3-8-47".
 - Qc2 A photostatic copy of a visitors' slip bearing the name [redacted], visitor "Ruth Jane Bryant", dated "2-18-47".
 - Qc3 A photostatic copy of a visitors' slip bearing the name "Marion Bryant", visitor "Ruth J. Bryant", dated "2-27-47".
 - Qc4 A photostatic copy of a visitors' slip bearing the name "Bryant", visitor "Ruth Jane Bryant", dated "3-13-47".
 - Qc5 A photostatic copy of a visitors' slip bearing the name "Marion Bryant", visitor "Ruth J. Bryant", dated "2-13-47".
 - Qc6 A photostatic copy of a visitors' slip bearing the name "Bryant", visitor [redacted], dated "3-1-47".
 - Qc7 A photostatic copy of a visitors' slip bearing the name "Marion Bryant", visitor "Ruth Jane Bryant", dated "2-18-47".
 - Kc1 A photostatic copy of the fingerprint card of RUTH JANE BRYANT bearing her kn. lw.

Qc1 + Qc7. Ruth Jane Bryant
Kc1 Ruth Jane Bryant

ENCLOSURES

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 28 1947

TELETYPE

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Jones
Mr. Mumford
Mr. Quinn
Mr. Nease
Miss Gandy

WASH 8 SFRAN

8-59PM 8-27-47

GLG

DIRECTOR

URGENT

G. I. R. 1

ATTN: SING. FING. SEC.

MARION BRYANT, CGR. BURGLARY, ASSAULT WITH INTENT COMMIT RAPE. TRIAL
PROGRESSING SLOWLY. S.F. LATONA MAY TESTIFY TOMORROW, PROBABLY FRIDAY.

KIMBALL

END & ACK PLS

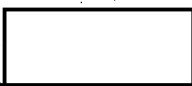
RECORDED

12778-11

EX-30

b7C

58 SEP 4 1947



845

45

.. .. AUGUST 26, 1947

- SAC, SAN FRANCISCO

Reuter
URGENT

MARION BRYANT, -CORP, MURKILARY, ASSAULT WITH INTENT COMMIT RAPE. -REURTEL.

AUGUST TWENTY-SIX, TWENTY [REDACTED] [REDACTED] SAN FRANCISCO [REDACTED]

FIVE PM TWENTY-SEVENTH VIA AMERICAN AIR LINES FOR TESTIMONY THIS CASE.

A BRANCH HOTEL RESERVATIONS.

END

JTB:FM
70-12778

RECORDED

1-56

W: 26 1 40 PM '47

- Mr. Tolson
- Mr. E. A. Tamm
- Mr. Clegg
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Mr. Carson
- Mr. Egan
- Mr. Gurnea
- Mr. Harbo
- Mr. Hendon
- Mr. Pennington
- Mr. Quinn
- Mr. Nease
- Mr. Gandy

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 26 1947

TELETYPE

Handwritten signatures and initials:
R.B.
[Signature]
[Signature]

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 26 1947

TELETYPE

Mr. Tolson	.....
Mr. E. A. Tamm	.....
Mr. Clegg	.....
Mr. Glavin	.....
Mr. Ladd	.....
Mr. Nichols	.....
Mr. Rosen	.....
Mr. Tracy	.....
Mr. Carson	.....
Mr. Egan	.....
Mr. Gurnea	.....
Mr. Hendon	.....
Mr. Pennington	.....
Mr. Quinn	.....
Mr. Nease	.....
Miss Gandy	.....

Handwritten: Cline
Signature: J. Edgar Hoover
Initials: RH

WASH 2 FROM SAN FRAN

8-26-47

9-35 PM

DIRECTOR URGENT

MARION BRYANT, CGR. BURGLARY, ASSAULT, WITH INTENT COMMIT RAPE.
BUFILE SEVENTY DASH TWELVE SEVEN SEVEN EIGHT. REURLET AUGUST
EIGHTEENTH RE LABORATORY EXAMINATION OF HANDWRITING RUTH JANE
BRYANT. USA, SAN FRANCISCO, HAS DECIDED IT IS NECESSARY THAT
HANDWRITING EXPERT BE PRESENT AT TRAIL AS HIS TESTIMONY ~~MAY BE~~
MAY BE NEEDED. IT WILL BE NECESSARY FOR EXPERT TO BE IN COURT IN
SAN FRANCISCO BY TEN AM, AUGUST ~~TWENTY-THREE~~ TWENTY EIGHT

INDEXED

32

KIMBALL

A-56

END AND ACK PLS

Handwritten: RECORDED
Signature: [illegible]
Initials: ml

Handwritten: SEVEN

TO: COMMUNICATIONS SECTION.

Transmit the following message to: SAC SAN FRANCISCO URGENT.
MARION INYANT, OEL, MURDER, ASSAULT, WITH INTENT TO COMMIT RAPE.
REAR 22 AUGUST TWENTY THREE, LAST. BUREAU AUTHORITY GRANTED FOR OFFICE
TO ADVISE USA FOR HIS STRICTLY CONFIDENTIAL INFORMATION AND GUIDANCE THAT
THERE IS SOME QUESTION AS TO SYMPATHY OF INDIVIDUALS LISTED ABOVE.
FURNISH NO MORE DETAILS TO USA RE INFORMATION CONTAINED YOUR FILES.
KEEP BUREAU CURRENTLY ADVISED OF PROGRESSIVE DEVELOPMENTS THIS CASE.

HOOVER

FEB:WY

G. I. H. 2

RECORDED

EX-56

AUG 25 4 38 PM '47

- Mr. Tolson
- Mr. E. A. Tamm
- Mr. Clegg
- Mr. Coffey
- Mr. Glavin
- Mr. Ladd
- Mr. Nichols
- Mr. Rosen
- Mr. Tracy
- Mr. Carson
- Mr. Egan
- Mr. Gurnea
- Mr. Pennington
- Mr. Quinn Tamm
- Mr. Nease
- Miss Gandy

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 25 1947

TELEMETER

SENT VIA

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TRACY
FROM : E. S. Deiss
SUBJECT: MARION BRYANT
CRIME ON GOVERNMENT RESERVATION
BURGLARY (WITH INTENT TO COMMIT RAPE)
ASSAULT (WITH INTENT TO COMMIT RAPE)

DATE: August 21, 1947

S. F. Latona is leaving tonight at 11:45 P.M. for San Francisco, California, where he is to present latent fingerprint testimony in the above-entitled case.

Mr. Latona is taking with him a photograph of the latent fingerprint, photographic negatives of the latent fingerprint and the fingerprint card of the subject, U. S. Marshal #57258, and charted enlargements illustrating the identification with sixteen copies which are to be distributed to the judge and jury. Two lifts and a fingerprint card which are the property of the San Rafael Sheriff's Office are also being taken along to be used at the trial. These specimens have been in the Bureau's custody pending the trial of this case.

SFL:WIC

70-12778

RECORDED
INDEXED
28, 1947

UNRECORDED COPY FILED IN ALPHABETICAL

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 29 1947

TELEMETER

G.I.R.-1

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

WASHINGTON FROM SFRA S2

8-29-47

10-50 AM

RN

DIRECTOR

ROUTINE

MARION BRYANT, CGR, BURGLARY AND ASSAULT WITH INTENT TO COMMIT
RAPE. DEFENDANTS SIGNED STATEMENT ADMITTED IN EVIDENCE BY JUDGE.
TRIAL APPEARS TO BE PROGRESSING SATISFACTORILY.

KIMBALL

ACK IMMEDIATELY FOR 1 AND 2

RECORDED

37 SEP 4 1947

60 SEP 9 1947

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 30 1947

TELEMETER

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

ALPHABETICAL

WASH 7 FROM SFRAN

8-29-47

7-45PM

DIRECTOR

URGENT

TN: SING. FING. & FBI LAB.

MARION BRYANT, CCR. BURGLARY AND ASSAULT WITH INTENT COMMIT RAPE. S.F.
LATONA TESTIFIED TODAY. GOVERNMENT HAS RESTED. TRIAL RESUMES TUESDAY
NEXT. USA DESIRES LATONA AND [REDACTED] REMAIN AS POSSIBLE REBUTTAL
WITNESSES.

KIMBALL

RECORDED

END AND ACK PLS

00 SEP 11 1947

G.I.R.-1

1-3

GG

b7C

RECEIVED 1/20/47
U.S. DEPT. OF JUSTICE
COMMUNICATIONS SECTION

SEP 3 1947

TELETYPE

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Carson	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

WASH 8 FROM SFRAN

9-2-47

9

8-46 PM

NCW

DIRECTOR URGENT

MARION BRYANT; CGR, BURGLARY AND ASSAULT WITH INTENT TO COMMIT RAPE.

SUBSEQUENT TO TESTIMONY OF S. F. LATONA RE FINGERPRINTS, DEFENSE

ATTORNEY GEORGE ANDERSON, MADE ARRANGEMENTS FOR [REDACTED]

A ~~LOCAL~~ LOCAL CRIMINOLOGIST TO COMPARE THE FINGERPRINTS, OVER THE LAST

WEEKEND. THIS MORNING, GEORGE ANDERSON MADE A MOTION TO THE COURT TO

WITHDRAW FROM THE CASE AS DEFENSE ATTORNEY SAYING HE AND THE

DEFENDANT WERE IN DISAGREEMENT. HE WOULD NOT FURNISH FURTHER DETAILS

CONCERNING THE DISAGREEMENT AND THE COURT DENIED THE MOTION. IT IS NOT

KNOWN WHETHER OR NOT [REDACTED] WILL BE A DEFENSE WITNESS.

FIMBALL

END AND ACK

RECORDED

INDEXED

1-66

18

SEP 10 1947

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 23 1947

TELEMETER

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy

WASH 8 FROM SFRAH

8-22-47

7-48 PM

NCW

DIRECTOR

URGENT

MARION BRYANT, CGR. BURGLARY, ASSAULT, WITH INTENT TO COMMIT RAPE.

AUSA, SF, JOSEPH KARESH AS REQUESTED THIS OFFICE TO CHECK NAMES OF

JURY PANEL AGAINST OFFICE FILES, TO SEE IF THERE ARE ANY COMMUNIST SYMPATHIZERS AMONG JURORS. HE DID THIS BECAUSE [REDACTED]

[REDACTED] BUREAU HAS BEEN PREVIOUSLY ADVISED OF [REDACTED]

AND ALSO ANTAGONISTIC ATTITUDE OF THE PEOPLES WORLD NEWSPAPER TOWARD THE GOVERNMENT DURING FIRST TRIAL OF THIS CASE. FILE SEARCH MADE AND THREE REFERENCES FOUND, [REDACTED]

REQUEST BUREAU PERMISSION

BE GIVEN THIS OFFICE TO TELL AUSA KARESH FOR HIS STRICTLY CONFIDENTIAL INFORMATION AND GUIDANCE, THAT THOSE PERSONS LISTED ARE QUESTIONABLE. NO FURTHER EXPLANATION WILL BE GIVEN. ADVISE BY AUGUST TWENTY FIFTH AS TRIAL BEGINS TWENTY SIXTH.

KIMBALL

END AND ACK

62 SEP 13 1947

7-48 PM

6-7HS

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

DATE: August 25, 1947

FROM : Mr. H. Schmidt

SUBJECT: MARION BRYANT
CRIME ON A GOVERNMENT RESERVATION;
BURGLARY; ASSAULT, WITH INTENT TO COMMIT RAPE.

PURPOSE

To advise of a request received from the USA, San Francisco, by the San Francisco Division for a check of the indices of that office on the names of the jury panel for references as to Communist sympathies. [redacted] and at the first trial of the subject, a Negro, stressed the racial question.

BACKGROUND

On the early morning of February 12, 1947, WAC Captain Kathleen R. Summersby was assaulted in her room at the WACS Officers' Quarters, Hamilton Field, California. Her assailant was frightened away after severely choking Captain Summersby. Subject, a Negro, whose wife was formerly employed at Hamilton Field was taken into custody by the Marin County, California, Sheriff's Office on February 12, 1947, and gave the Sheriff's Office a signed statement admitting the assault on Captain Summersby. [redacted]

This case was first brought to the attention of the San Francisco Division on February 13, 1947; by Army authorities at Hamilton Field. On February 15, 1947, subject readily admitted his guilt to SA James C. Neel and furnished a signed statement admitting the assault upon Capt. Summersby. [redacted]

At subject's trial in Federal Court in San Francisco, subject was represented by defense attorney, George Andersen. [redacted]

DURING the trial, Andersen brought up the racial question and the South Carolina lynchings, and subject claimed that he had been beaten by deputies of the Marin County Sheriff's Office and forced by them to sign a statement; also, that he was not aware of the contents of the statement that he gave SA Neel and repudiated this statement on the witness stand, claiming that it was all untrue. A member of the Marin County Sheriff's Office admitted on the witness stand that while questioning subject prior to the Bureau's entry in the case, he told subject that if he were down south he would be hanged. Agent Neel was not aware of this remark to the subject and secured subject's signed statement without making any threats whatsoever or offering any inducements. The Daily People's World of San Francisco, reported Communist paper, during the course of the trial attempted to bring out that subject was charged with this offense because he was a Negro.

During the trial, the defense attorney argued that, inasmuch as a fragmentary latent fingerprint which had been developed at the scene of the

FHS:VPM
70-12778

62 SEP 13 1947

Memo to Mr. Rosen

crime by Army investigators was not introduced into evidence, the Government was suppressing evidence and intimated to the jury that the print was probably of an individual other than subject. The trial resulted in a hung jury, and the defense attorney motioned for an acquittal but was overruled, and the case is scheduled to go to trial on August 26, 1947.

CURRENT DEVELOPMENTS

The USA at San Francisco in view of [redacted] has requested the San Francisco Division to check the names of the jury panel against office indices for references of Communist sympathies. The San Francisco Division has ascertained from such a check that three individuals on the jury panel reportedly are Communist Party members or have Communist affiliations.

The San Francisco Division has requested Bureau authority to advise the USA for his strictly confidential information and guidance that the sympathies of three individuals on the jury panel are questionable.

ACTION TO BE TAKEN

If you approve, it is recommended that the attached teletype be dispatched to San Francisco granting Bureau authority to advise the USA of the questionable status of the above three individuals.

Attachment

Records
Index this
Judge's name
mrf

PAGE 18 TUESDAY

The Police Reporter

WACRAPE CASE—Marion Bryant, 22, was sentenced to 15 years in Federal Prison yesterday for the attempted rape last February of WAC Captain Kay Summersby, one-time secretary to General Dwight D. Eisenhower.

In sentencing Bryant, Judge Louis E. Goodman took occasion to deny with considerable heat that racial prejudice entered either into the jury's verdict last Friday or his own sentencing of the young Negro.

Judge Goodman took issue with Defense Attorney George Anderson that Bryant had been a victim of discrimination.

"I believe an organization of colored people that aided in Bryant's defense was misled," Judge Goodman said.

"In my opinion Bryant is a danger to society and for that reason, and that reason alone, I have sentenced him to 15 years in prison."

"I followed this trial very closely and I am nothing to uphold Summersby's contention that the jury was prejudiced by Bryant's color."

During course of the trial, an Army psychiatrist testified Bryant was subject to "primitive sex urges." On his attempt to attack Captain Summersby at Hamilton Field last February 11.

Some weeks ago a Federal Court out of Chicago disagreed on Bryant's guilt. The case was retried last week.

ENCLOSURE

ADDRESS ALL COMMUNICATIONS TO
UNITED STATES ATTORNEY
AND REFER TO INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

JK:lk

UNITED STATES ATTORNEY

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO 1,

September 9, 1947.

AIR MAIL

Mr. J. Edgar Hoover,
Director, Federal Bureau
of Investigation,
Washington, D.C.

*Received
See note
on shipping
and*

Dear Mr. Hoover:

Re: United States vs. Marion Bryant; No. 23408-R;
Larceny - Assault with attempt to commit
rape.

This letter is being written in my capacity as Assistant
United States Attorney who handled the prosecution of the above-
entitled case.

On September 8, 1947 a jury returned a verdict of guilty
on all counts of an indictment against the above named defendant.
The assault upon a WAC officer, a Miss Kathleen Summerby, former
Secretary to General Eisenhower, was a particularly brutal one.
I am writing to tell you how deeply I appreciate the splendid work
done by your organization in bringing this case to a successful
conclusion.

Special Agent in Charge Harry Kimball of the San Francisco
office was extremely cooperative. Special Agent Harry Clifford, the
Supervising Agent, and Special Agent James Neel, the latter who
handled the investigation of the case and sat with me during the trial,
are deserving of the highest praise. I feel that I should also call
your attention to the summary report written by Agent Neel in this
case under date of August 21, 1947, file number 70-843. I have been
in this office for seven years and I have never seen a more complete
report. It was this report that aided me so materially in presenting
the case to the jury. Had you been in Court and listened to Agent
Neel testify, as well as listen to the fingerprint expert from Washing-
ton, Mr. Sebastian Latona, likewise testify, you could well understand
my pride in working with the Bureau.

The enclosed clipping from the "San Francisco Chronicle" of
September 9, 1947, will show you the type of case this was.

I am writing you because where praise is so richly deserved,
I would feel derelict in my duty if I did not express to you these
thoughts.

Respectfully yours,

Joseph Karash
JOSEPH KARASH,
Assistant United States Attorney

SE 16

70-843-26

RECORDED COPY FILED IN 62-76138

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Harbo *KM*
FROM : Mr. Sizoo *[Signature]*
SUBJECT: MARION BREANT
Crime on Government Reservation -
Burglary (With Intent to Commit Rape);
Assault (With Intent to Commit Rape);
(Bureau file 70-12778)

DATE: September 6, 1947.

Document Examiner [redacted] proceeded to San Francisco, California, on August 27, 1947 in accordance with instructions furnished by teletype dated August 26, 1947 from the San Francisco office. The presence of the Document Examiner was requested in the event handwriting testimony was necessary at the trial of this case.

It is noted that this case is being retried, the first trial having resulted in a hung jury. At the previous trial, the subject repudiated a signed confession and alleged it had been obtained through beatings by the Deputy of the Marin County Sheriff's Office and forced by them to sign a statement. He claimed he did not know what was in this statement and that the only reason he signed it was because he was frightened. The subject also stated that the statement obtained by Special Agents of the San Francisco office had been obtained through force by threatening to hang him if he did not sign it. It was alleged that the subject had been held in solitary confinement and his wife testified on the witness stand that she was not allowed at any time to visit him in the Marin County Jail.

[redacted] However, at the current trial, when this individual took the stand she admitted her signatures on the visitors slips and the testimony of the examiner in rebuttal was not necessary.

It is further noted that subject Marion Breant, a colored man, was being defended by George Andersen. [redacted]

appears that funds for the subject's defense were being raised by the National Association for the Advancement of Colored People.

The examiner made arrangements to depart for headquarters immediately upon being advised by Assistant U. S. Attorney Joseph Karesh that he could be released and arrived in Washington, D. C. at 10:10 p.m. September 4, 1947.

JVB/dbh

RECORDED

70-12778-27

EX-30

26 SEP 12 1947

RECORDED

62 SEP 17 1947

UNITED STATES GOVERNMENT

DATE: September 8, 1947

TO: Mr. E. A. Tamm

FROM: Mr. A. ROSEN

SUBJECT: MARTIN BRYANT
CRIME ON GOVERNMENT RESERVATION
BURGLARY, ASSAULT WITH INTENT TO COMMIT RAPE

PURPOSE:

To advise that subject was sentenced on September 8, 1947 at San Francisco to 15 years for assault with intent to commit rape, 5 years on first count of burglary and 5 years on second count of burglary, all sentences to run concurrently.

BACKGROUND:

Subject, a negro, was found guilty on September 4, 1947 by a jury in Federal District Court, San Francisco, of assaulting WAC Captain Kathleen E. Summersby, former aide to General Eisenhower, in her room at the WAC Officers' Quarters, Hamilton Field, California on February 12, 1947. The jury also returned a verdict of guilty on two counts of burglary on a government reservation.

Subject was first tried in Federal Court in June, 1947 and was represented by George Anderson.

During the first trial, the defence counsel stressed the racial question and the People's Daily World of San Francisco, a reported Communist newspaper, carried considerable publicity regarding the trial and expressed an antagonistic attitude toward the government. The first trial resulted in a hung jury after which the defence attorney made a motion for an acquittal which was overruled.

Special Agent S. P. Latona of the Single Fingerprint Section testified at the retrial with regard to a fragmentary latent fingerprint found at the scene of the crime. A comparison of this fragmentary print with the print of Bryant disclosed seven points of similarity and none of dissimilarity.

The above is for your information.

FHS:MJP
70-12778

RECORDED
INDEXED
RECEIVED
SEP 13 1947

70-12778-28
FBI
SEP 13 1947

SEP 22 1947

b7C

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TRACY

DATE: September 8, 1947

FROM : E. S. Deiss

SUBJECT: MARION BRYANT
BURGLARY WITH INTENT TO COMMIT RAPE
ASSAULT WITH INTENT TO COMMIT RAPE
BURGLARY WITH INTENT TO COMMIT A FELONY
CRIME ON GOVERNMENT RESERVATION

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Coffey
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Pennington
Mr. Quinn Tamm
Tele. Room
Mr. Nease
Miss Gandy

Mr. S. F. Latona returned yesterday morning at 9:45 from San Francisco, California, where he had gone to testify to a latent fingerprint identification made in connection with the above-entitled case.

Mr. Latona testified for about one hour and forty minutes. The Assistant U. S. Attorney conducting the case requested Mr. Latona to remain until the defense had concluded their case, inasmuch as it was reported that the defense intended to call a fingerprint expert as a defense witness. However, none was called. The jury deliberated for approximately three hours and returned a verdict of guilty to the three counts in the indictment, namely, burglary with intent to commit rape, assault with intent to commit rape and burglary with intent to commit a felony. Sentence was deferred until today.

All of the material taken to the trial, except the charted enlargements, lifts and fingerprint card of the subject which were introduced into evidence, have been returned and forwarded to the appropriate files.

RECORDED 70-12773-
EX-13 36 SEP 12 1947

SFL: CJO

70-12773

31 SEP 22 1947

FEDERAL BUREAU OF INVESTIGATION

THIS CASE ORIGINATED AT **SAN FRANCISCO**

REPORT MADE AT SAN FRANCISCO	DATE WHEN MADE 9/10/47	PERIOD FOR WHICH MADE 8/20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31	REPORT MADE BY JAMES E. NEAL
TITLE MARLIN BENTLEY			CHARACTER OF CASE CRIME ON GOVERNMENT RESERVATION (BURGLARY WITH INTENT TO COMMIT RAPE; ASSAULT WITH INTENT TO COMMIT RAPE)

SYNOPSIS OF FACTS: Subject was re-tried in Federal Court, San Francisco, August 26 to September 4, 1947, and was found guilty on all three counts, there being two counts for burglary and one count for assault with intent to commit rape. On September 6, 1947, subject was sentenced by Federal Judge GOODMAN to five years on the first count (burglary with intent to commit rape), five years on the second count (burglary with intent to commit rape), and 15 years on the third count being assault with intent to commit rape, all sentences to run concurrently. Mr. S. F. LATONA, Single Fingerprint Expert, FBI, testified at the trial that the latent fingerprint recovered at the scene was that of the subject. Disposition sheet submitted.

- 0 -

Bureau file 70-12778.

DETAILS: On August 26, 1947, the re-trial of the subject began before Federal Judge GOODMAN in Federal Court, San Francisco. The trial was concluded on September 4, 1947 when the jury found the subject guilty on all three counts, namely, count one - burglary with intent to commit rape, count two - burglary with intent to commit rape, and count three - assault with intent to commit rape. Mr. S. F. LATONA, Single Fingerprint Expert of the Federal Bureau of Investigation testified at the trial that the latent fingerprint recovered at the scene of the crime was that of the subject.

On September 6, 1947, Federal Judge GOODMAN sentenced the

APPROVED AND FORWARDED <i>Harry M. [Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT 1 - [unclear] 1 - [unclear] 1 - [unclear]		<div style="text-align: center;">70-12778-30</div> <div style="text-align: center;">RECORDED</div> <div style="text-align: center;">EX-64</div>

SP 70-843

subject to five years on count one, five years on count two, and fifteen years on count three, all sentences to run concurrently. A disposition sheet has been submitted.

ENCLOSURE TO BUREAU

One disposition sheet.

- C L O S E D -

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. E. A. TAMM
 FROM : MR. ROSEN
 SUBJECT: MARION BRYANT
 CRIME ON GOVERNMENT RESERVATION
 BURGLARY, ASSAULT WITH INTENT TO COMMIT RAPE

DATE: September 5, 1947

Mr. Tolson
 Mr. E. A. Tamm
 Mr. Clegg
 Mr. Glavin
 Mr. Ladd
 Mr. Nichols
 Mr. Rosen
 Mr. Tracy
 Mr. Carson
 Mr. Egan
 Mr. Gurnea
 Mr. Harbo
 Mr. Hendon
 Mr. Jones
 Mr. Quinn Tamm
 Mr. Nease
 Miss Gandy

PURPOSE

To inform you that at a retrial of the subject he was found guilty by a jury on three counts on September 4, 1947.

BACKGROUND

On the early morning of February 12, 1947, WAC Captain Kathleen H. Summersby, former aide to General Eisenhower, was assaulted in her room at the WAC Officers' Quarters, Hamilton Field, California. Her assailant, a negro, was frightened away after severely choking Captain Summersby. He was taken into custody by the Marin County, California Sheriff's Office on the same day and gave a signed statement admitting the assault on Captain Summersby.

In a signed statement subsequently given to a Bureau Agent, he admitted the assault on Captain Summersby.

At his trial in Federal Court in June, 1947, he was represented by George Erdersen.

During the trial, defense counsel brought up the race question, the defendant claiming that he had been beaten by deputies of the Marin County Sheriff's Office and had been forced by them to sign a statement, that he was not aware of the content of the statement he gave the Bureau Agent, and repudiated such statement on the witness stand. The Bureau Agent secured his statement without any threats or inducements whatever.

The Daily People's World of San Francisco, a reported Communist newspaper, attempted to bring out during the course of the trial that Bryant was charged with this offense because he was a negro. A fragmentary latent fingerprint was secured at the scene of the crime by Army investigators which, because of its fragmentary nature, could not be identified as a print of the defendant. When fingerprint testimony was not introduced, the defense argued that the government was suppressing evidence and intimated to the jury that the latent fingerprint was probably that of an individual other than the subject. The trial resulted in a hung jury and the defense attorney made a motion for an acquittal which was overruled.

RECORDED

BUREAU ASSISTANCE AT RETRIAL

EX-56

INDEXED

70-12777-1

Special Agent S. F. Latona of the Single Fingerprint Section was made available at the retrial to testify that, when the fragmentary latent fingerprint was compared with the print of Bryant, seven points of similarity were found and none of dissimilarity.

SEP 26 1947

b7C

Memorandum to Mr. E. A. Tamm
This is for your information. Apparently the testimony of the Bureau's expert witness was of considerable value in causing the jury to reach a guilty verdict.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

SEP 8 1947

TELETYPE

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Harbo	
Mr. Mohr	
Mr. Pennington	
Mr. Quinn Tamm	
Mr. Nease	
Miss Gandy	

WASHINGTON FROM SFRAN S1

9-8-47

12-02 PM

DIRECTOR

URGENT

MARION BRYANT, CGR, BURGLARY AND ASSAULT WITH INTENT TO COMMIT
RAPE. SUBJECT SENTENCED TODAY. FIVE YEARS FOR FIRST COUNT OF
BURGLARY. FIVE YEARS FOR SECOND COUNT OF BURGLARY. FIFTEEN
YEARS FOR THIRD COUNT OF ASSAULT WITH INTENT, COMMIT RAPE. ALL
SENTENCES TO RUN CONCURRENTLY.

KIMBALL

RECORDED

EX-30

15 SEP 16 1947

63 SEP 19 1947

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

SEP 5 1947

TELETYPE

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Mohr
Mr. Pennington
Mr. Quinn Tamm
Mr. Nease
Miss Gandy

WASH 9 FROM SFRAN 9-4-47 8-15 PM NCW

DIRECTOR URGENT

MARION BRYANT, CGR, BURGLARY, ASSAULT WITH ATTEMPT TO COMMIT RAPE, S. F.
LATONA DEPARTED SAN FRANCISCO ON CITY OF SAN FRANCISCO SEVEN THIRTY PM.
WILL ARRIVE WASHINGTON, D. C. SUNDAY MORNING. SUBJECT FOUND GUILTY
ON ALL THREE COUNTS BY JURY TODAY.

RECORDED KIMBALL

AND ACK.

RECORDED

70-12778-33

SEP 15 1947

EX-42

RECORDED

6336

Case 1954

Handwritten signature/initials

Office Memorandum • UNITED STATES GOVERNMENT

DATE: November 12, 1947.

TO : Director, FBI

FROM : SAC, San Francisco

SUBJECT: • MARION BRYANT
• CRIME ON GOVERNMENT RESERVATION
• (BURGLARY WITH INTENT TO COMMIT RAPE;
• ASSAULT WITH INTENT TO COMMIT RAPE)
• Bureau File 70-12778

There are enclosed herewith, the original and two copies of a Parole Report in the above entitled case, and also a Disposition Sheet.

70-843
JCH:jpm
enc

70-12778-34

RECORDED

30 NOV 26 1947

EX-75...

RECORDED

WED

FEDERAL BUREAU OF INVESTIGATION

Form No. 2

THIS CASE ORIGINATED AT

SAN FRANCISCO

FILE NO

70-843

REPORT MADE AT: SAN FRANCISCO	DATE WHEN MADE: 11/12/47	REPORT MADE BY: JAMES C. NEEL jpm
NAME OF CONVICT WITH ALIASES: MARION BRYANT		
VIOLATION: CRIME ON GOVERNMENT RESERVATION (BURGLARY WITH INTENT TO COMMIT RAPE; ASSAULT WITH INTENT TO COMMIT RAPE)		PAROLE REPORT

On February 11, 1947, about 9:00 P.M., MARION BRYANT entered the WAAC Officer's Quarters at Hamilton Field Army Airbase, Hamilton Field, California, with intent to commit rape. He hid behind a door in the laundry room of the building and was frightened out of the building by a WAAC Lieutenant, who entered the laundry room and saw him hiding behind the door. He re-entered this building a few hours later by breaking a window, again with the intent to commit rape, and assaulted a WAAC Captain. The assault consisted of choking this WAAC Captain, which he did very severely, and he subsequently stated that he received sexual gratification by so doing. He did not rape this Captain, as he was frightened out of the building by another occupant.

MARION BRYANT thereafter gave a signed statement admitting all of the above. He was indicted by a Federal Grand Jury at San Francisco, California, on May 7, 1947, for two counts of burglary and one count of assault to commit rape. MARION BRYANT plead not guilty and was brought to trial in Federal Court on May 27, 1947. The trial continued until June 5, 1947, at which time it concluded when the jury failed to reach a verdict. MARION BRYANT was given a re-trial beginning August 26, 1947, and ending September 4, 1947, in Federal Court, San Francisco, on which date he was found guilty on all three counts of the indictment by the jury.

(DO NOT WRITE IN THESE SPACES)

APPROVED AND
FORWARDED:

COPIES OF THIS REPORT FURNISHED TO:

3 Bureau

2. San Francisco

11-25-47

FEDERAL BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE

ROUTED TO:

RECORDED AND INDEXED

CHECKED

JACKETED

On September 8, 1947, Federal Judge LOUIS GOODMAN sentenced MARION BRYANT to 5 years on the first count, which was Burglary With Intent to Commit Rape, 5 years on the second count, which was Burglary With Intent to Commit Rape, and 15 years on the third count, which was Assault With Intent to Commit Rape, all sentences to run concurrently.

There are no mitigating circumstances in this case. Aggravating circumstances - MARION BRYANT was recently arrested by the Marin County Sheriff's Office as a suspect in this case, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

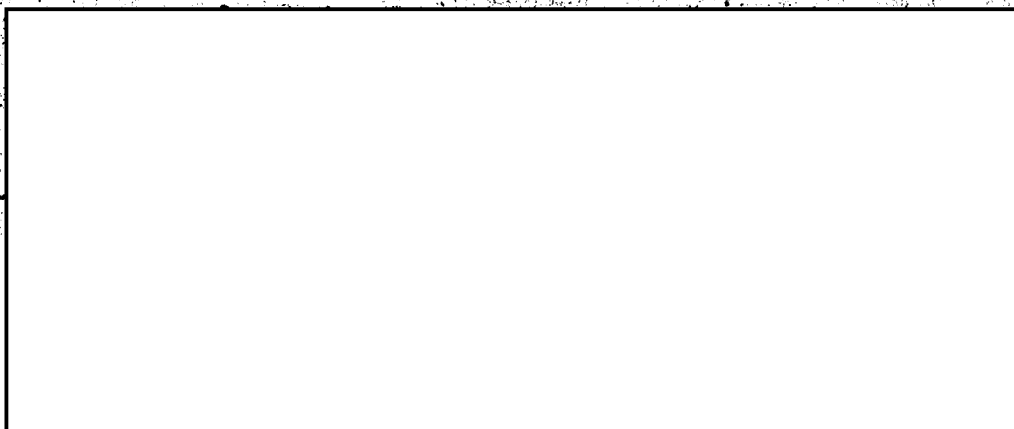
[REDACTED]

[REDACTED]

b7C
b7D

b7C

SP 70-843



b7C
b7D

MARION BRYANT'S family is made up of his father, EMMETT BRYANT, his mother, VANICE BRYANT, both of whom reside at Route 1, Box 135, Zachary, Louisiana, and his brothers - WILLIE LORENZIE BRYANT, age 17; J. C. BRYANT, age 3; EMMETT BRYANT, Jr., age 2; and a sister, MILDRED BRYANT, age 18. All of the above reside with their parents, and their reputation is unknown.

The following is the record of MARION BRYANT, FBI No. 4777929.

Contributor of Fingerprints	Name and Number	Arrested or Received	Charge	Disposition
SOS, War Dept.	MARION BRYANT #41-SOB	laborer 6/25/42		
War Dept. Wash. D.C.	MARION BRYANT #36501560	Inducted 12/3/43		
SO, Baton Rouge, La.	MARION BRYANT #22590	9/15/45	CCW	Released to Military Control 9/23/45.
SO, San Rafael, Calif.	MARION BRYANT #8918	2/12/47	Burg. Rape, and att. Rape.	
USM, San Francisco, Calif.	MARION BRYANT #57258	4/23/47	Enter Bldg. with intent to commit Rape on Gov. Reservation	

Reference is made to the above record of MARION BRYANT, in which he was arrested by the San Rafael Sheriff's Office on February 12, 1947, for Burglary, Rape, and Attempted Rape. Assistant District Attorney ELLIS DUFFICY has advised that the charges in Marin County against MARION BRYANT, including the charge, Conspiracy to Escape, will be dismissed on November 14, 1947, because of the conviction of MARION BRYANT in Federal Court.

December 8, 1947

Mrs. Vanico Bryant
Route 1 Box 755
Zachary, Louisiana

Dear Mrs. Bryant:

I am in receipt of your letter dated November 23, 1947 and want to assure you that I have carefully reviewed its contents. I desire to further assure you that any information you might possess or any ideas you might entertain as to possible misconduct or disregard of civil rights on the part of the Federal Bureau of Investigation in this case are completely without foundation. As further evidence of this, you are perhaps aware of the fact that these matters were completely gone over during the trials of your son.

Being the boy's mother, as you are, it is understandable why you are so deeply concerned about this matter. The entire case has been terminated and is completely out of the hands of this Bureau and I regret that there is nothing further than I can do.

Sincerely yours,

INDEXED

J. Edgar Hoover
Director

CC: SAC San Francisco - Under cover letter
/ CC: SAC New Orleans - Attached hereto is a copy of a communication received at the Bureau from Mrs. Vanico Bryant, mother of Marion Bryant, a convicted subject in the case entitled, Marion Bryant, Crime on Government Reservation, (Burglary with Intent to Commit Rape; Assault with Intent to Commit Rape), San Francisco - origin. Bryant was convicted in San Francisco, California, on September 4, 1947, for assaulting Captain Kathleen H. Chambers, former aide to General H. H. Arnold, on September 12, 1947, and on September 8, 1947.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Mohr
Mr. Pennington
Mr. Quinn Tamm
Tele. Room
Mr. Nease
Miss Gandy

FEDERAL BUREAU OF INVESTIGATION

U. S. DEPARTMENT OF JUSTICE

DEC 31 1947

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INDEXED
DEC 11 1947

was sentenced to a total of fifteen years in a Federal Penitentiary. The case in question was aggravated by the fact that this subject admitted four other similar offenses shortly prior to the assault on Captain Summersby. His first trial was held in June 1947 and resulted in a hung jury. At both trials, he was represented by George Andersen, [redacted] b7C

[redacted] During the course of the trials, the defense placed particular stress on alleged misconduct on the part of a deputy sheriff, and the FBI Agent who subsequently obtained a signed statement from the subject. All allegations of misconduct on the part of the Agent have been vehemently denied and apparently are without any foundation whatsoever.

The foregoing matter is being brought to your attention in the event inquiries might be received at the office concerning this particular case.

CRB:lac
lac

December 8, 1947

RECORDED

SAC, San Francisco

EX-67

RE: Special Agent James Neel
Alleged Duress

Dear Sir:

Attached hereto is a copy of the communication received at the Bureau from the mother of Marion Bryant who was convicted in the Federal Court in San Francisco in connection with the case entitled, Marion Bryant, Crime on Government Reservation, (Burglary with Intent to Commit Rape; Assault with Intent to Commit Rape). This communication together with the Bureau's reply is being furnished to your office for the completion of your records and if there are any further comments that you or Agent Neel might like to make concerning this matter, they should be promptly forwarded to the Bureau. Otherwise, no further action is being taken inasmuch as Agent Neel has previously refuted allegations directed at him by the defense during the trials of subject Bryant.

Very truly yours,

John Edgar Hoover
Director

CRB:lac

ORIGINAL COPY FILED IN 44-11342

OFFICE MEMORANDUM . . . UNITED STATES GOVERNMENT

TO : Mr. Glavin . . .
 FROM : H. L. Edwards . . .
 SUBJECT: JAMES C. NEEL . . .
 Special Agent - San Francisco
 RE: ALLEGED DRESS

DATE: December 11, 1947

A very crudely written letter dated 11/23/47 was received at the Department and referred to the Bureau. This letter purports to be from Mrs. Vanice Bryant, Route 1 Box 135, Zachary, La., the mother of Marion Bryant. Bryant was the subject in the case entitled, Marion Bryant, Crime on Government Reservation, (Burglary with Intent to Commit Rape; Assault with Intent to Commit Rape), and was convicted in San Francisco, Calif. on 9/4/47 for assaulting WAC Captain Catherine H. Summersby, former aide to General Eisenhower, on 2/12/47.



BACKGROUND

INDEXED

76-12118-1
F B I

The trial of the case in question received considerable publicity because the victim, a principal witness, was a former aide of General Eisenhower. The defendant was represented by George Andersen,

some time in the past. During the first trial of the case in question, the defense counsel brought up the race question, the defendant claiming that he had been beaten by deputies of the Marin County Sheriff's Office and had been forced by them to sign a statement, that he was further not aware of the content of the statement he gave to the Bureau Agent, and repudiated such statement on the witness stand. The Daily People's World of San Francisco, a reported Communist paper, attempted to bring out during the course of the trial that Bryant was charged with a crime because he was a negro. At the first trial, Bryant claimed that he did not know what was in the statement signed by him and that the only reason he signed it was because he was frightened. He stated on the witness stand that Agent James C. Neel had interviewed him on February 15 and had forced him to sign a statement, the contents of which he did not understand, by threatening to hang him if he did not sign it. The subject repudiated his signed statement given to Agent Neel and claimed that it was all untrue. Bryant was interviewed by an undersheriff of the Marin County Sheriff's Office on February 12, three days prior to the time he was interviewed by Agent Neel. The undersheriff admitted on the witness stand at the first trial that while questioning the subject on February 12, he had told the subject that if he were down South he would have hanged. He also stated that the subject was a negro and that he would refuse and tell the truth, and

b7C

b7C

would recommend to the District Attorney that the subject was willing and cooperative.

Agent Neel has stated that he did not know the undersheriff had made the foregoing remarks to the subject, but that he, Agent Neel, secured his signed statement from the subject without making any threats to him whatsoever, nor were any inducements of any kind offered to him. The Marin County Sheriff's Office deputies have denied that they struck the defendant at any time during the questioning and from an investigation conducted at that time there is no reason to believe that they did.

It might be noted at this time that the subject furnished to Agent Neel a lengthy signed statement under date of 2/15/47, completely admitting his implication in instant case.

As previously stated, the subject was found guilty on three counts of the indictment in the case in question, and on 9/8/47 was sentenced to a total of fifteen years. There were no mitigating circumstances in the case and it might be noted that during the time Bryant was incarcerated in the Marin County Jail, prior to his trial in the Federal Court, his wife tried to smuggle hack-saw blades into the jail to help him. She was caught and admitted her complicity in the scheme.

At the conclusion of the case, Assistant U. S. Attorney, Joseph Karsan, directed a communication to the Director in which he highly commended the assistance rendered by SAC Kimball and the Agents who had worked on the case. He specifically praised the work of Agent Neel in the preparation of the case for trial and lauded the manner in which he testified at the trial.

RECOMMENDATIONS

(1) Inasmuch as the allegations set forth in the communication of Mrs. Vanice Bryant, mother of Marion Bryant, were made by the defense during the course of the two trials of Bryant in San Francisco, Calif., and since these allegations against Agent Neel have been emphatically denied by the Agent, it is not recommended that any action be taken against Agent Neel.

(2) It is recommended that the attached letter go forward to Mrs. Bryant in reply to her communication dated 11/23/47, and that a copy of her letter together with the Bureau's reply, be forwarded to the SAC's at San Francisco and New Orleans for their information and the completion of their records.

(3) It is further recommended that this memorandum be referred to the Investigative Division for their information.

Attachments